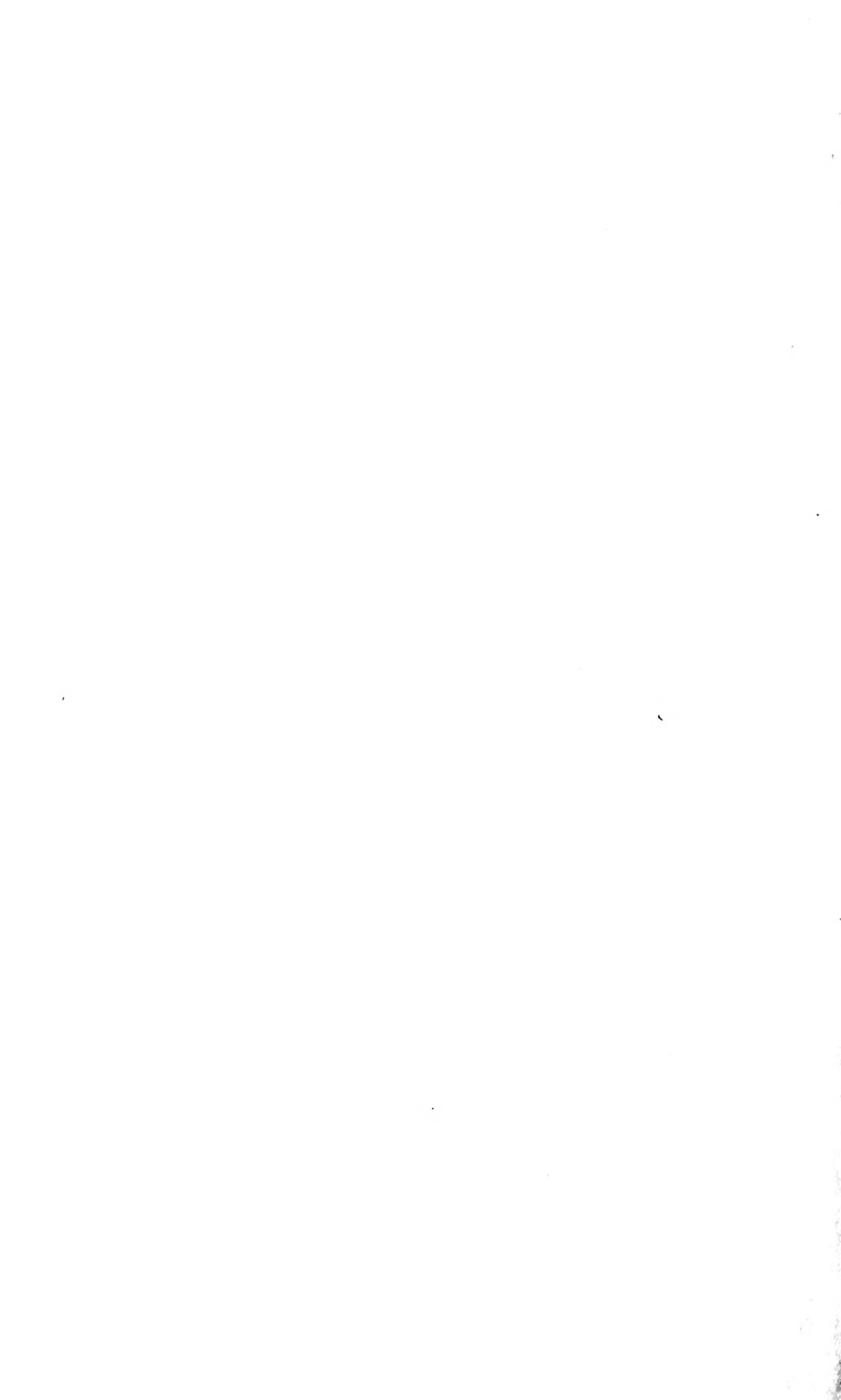


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HEARINGS BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

MONDAY, OCTOBER 27, 1952

WASHINGTON, D. C.

TWENTY-FIFTH SESSION

The President's Commission on Immigration and Naturalization met at 9:30 a. m., pursuant to adjournment, in the Archives Auditorium, National Archives Building, Washington, D. C., Hon. Philip B. Perlman, Chairman, presiding.

Present: Chairman Philip B. Perlman, Mr. Earl G. Harrison, vice chairman, and the following Commissioners: Dr. Clarence E. Pickett, Mr. Thomas G. Finucane, Msgr. John O'Grady, Mr. Adrian S. Fisher, Rev. Thaddeus F. Gullixson.

Also present: Mr. Harry N. Rosenfield, executive director.

The CHAIRMAN. The Commission will come to order.

This is another hearing before the President's Commission on Immigration and Naturalization. Hearings have been held in accordance with the effort to obtain the information as described in the President's statement on the day that the Commission was named, September 4, 1952, for the purpose of making a report to him by January 1, 1953.

The Commission has held hearings in New York, Boston, Cleveland, Detroit, Chicago, St. Paul, St. Louis, San Francisco, Los Angeles, and Atlanta, Ga. This day will be the first of 3 days of hearings that are projected to be held in the city of Washington on today and October 28 and 29.

We had invited to this hearing Senator Pat McCarran, who is chairman of the Judiciary Committee of the Senate which had held hearings and considered what is known as the McCarran-Walter bill, that is, Public Law 414, passed at the recent session of the Eighty-second Congress, and we also invited Congressman Francis Walter, chairman, of the House Judiciary Subcommittee which considered the same measure. Neither one of these chairmen is able to attend this session today. We have been in touch with them, and we are informed that they will consider submitting a statement of their views on the recently enacted legislation, and if they do, it will be incorporated in the record of this Commission at this point in our hearings.

The first person to be heard today is the Attorney General of the United States, the Honorable James P. McGranery, and I will appreciate it if Mr. McGranery would come up and take the chair that has been provided here.

STATEMENT OF THE HONORABLE JAMES P. McGRANERY,
ATTORNEY GENERAL OF THE UNITED STATES

Mr. McGRANERY. I am James P. McGranery, Attorney General of the United States, Washington, D. C.

The CHAIRMAN. You may proceed, Mr. Attorney General.

Mr. McGRANERY. Mr. Chairman, first of all, I am very happy to be here looking at you in the role of Chairman of this President's Commission, as I have had the great joy and privilege of looking at you, talking with you as a former colleague and as a very able Solicitor General of the United States.

The CHAIRMAN. Thank you.

Mr. McGRANERY. I have a prepared statement I wish to read.

The CHAIRMAN. We will be pleased to hear it.

Mr. McGRANERY. Gentlemen, I am honored by the invitation of your distinguished Commission to appear before you this morning. As the Attorney General of the United States, entrusted with the administration and the enforcement of the Immigration and Nationality Act which becomes effective December 24, I shall comment briefly only on the problems of administration and enforcement.

Your Commission has already received testimony as to policies both from individual citizens and from organizations in various parts of the United States. In the present hearings that you are conducting at the seat of government, you will avail yourselves of the opinions of highly qualified representatives possessing specialized knowledge covering the different phases of immigration and naturalization policies which you have been commissioned to study and to evaluate.

The President's Executive order, creating you as a Commission, also authorizes and directs you to consider the administration of our immigration laws with respect to the admission, naturalization and denaturalization of aliens, and their exclusion and deportation.

Hence, it should be stated to you that, since the Congress recently enacted the Immigration and Nationality Act, the Department has become aware that a number of provisions demand change or clarification.

First, it is my opinion that the new act does not achieve the simplicity of arrangement to be expected of an exhaustive codification. It may even bring about further complications of administration. Section 101, for example, was intended merely to cover the necessary definition of terms employed in the act. Unfortunately, it contains substantive and procedural requirements which better could have been set in separate sections. The result is that the act contains unnecessary and intricate cross-references. In addition, references and cross-references are further complicated by the use of an unwieldy numbering system.

This criticism goes to the act as a whole. I could discuss extensively the ambiguities and defects of numerous specific sections, but I shall confine myself to a discussion of two or three sections which I consider to be more seriously inadequate.

Section 274 is substantially a reenactment of Public Law 283 of the Eighty-second Congress. That law fixed criminal penalties for transporting into or harboring within the United States certain aliens. Such a law is of great potential assistance in dealing with smugglers

and racketeers in human contraband. In section 274 (a) of the act, the second clause reproduces exactly a section of Public Law 283 which already has been construed by one United States district court as unconstitutionally void for vagueness. Another United States district court, in acquitting a defendant indicted under the same paragraph, commented upon the vagueness of the language and construed it narrowly. Thus, the provision of section 274 must be clarified if it is to be effective in achieving its very desirable ends.

The policy of this Nation always has been to exclude an alien on the ground of a past criminal offense only if the offense involved moral turpitude. This historical policy is changed by section 212, subsection (a), clause (10) of the act. It requires the exclusion of any alien who has been convicted of two or more offenses (other than purely political offenses) whether or not moral turpitude was involved, so long as the total of sentences imposed was 5 years or more.

Practical difficulties of enforcement result from this provision when it is realized that totalitarian countries consistently mask religious, racial, and political persecutions as criminal prosecutions. The conference committee when considering the final version of the act had this thought in mind. It said:

"It is the opinion of the conferees that those convictions which were obviously based on trumped-up charges or predicated upon repressive measures against racial, religious, or political minorities, should be regarded as purely political in nature and should not result in the exclusion of the alien."

The practical problem of enforcement is that many aliens from iron-curtain countries undoubtedly contend they were convicted of "crimes" when no crime had been committed and their sole offense was being politically opposed to those in power.

It will be impossible to determine the truth or falsity of such claims. Trustworthy investigation to establish the truth or falsity cannot be made in the countries involved. Hence, I believe, there should be some clarification by statute of the nebulous middle ground between crimes and political offenses.

I will now take up section 290 (a) of the act which requires a master index of all aliens hereafter admitted to the United States or excluded from this country. It requires that such a master index be maintained in the central office of the Immigration and Naturalization Service.

A great many aliens in Canada and Mexico legally cross our borders at frequent intervals, some, several times a day. A very heavy burden is placed on the Service if it is to maintain a record of all such admissions, and the law as it now stands would require it.

Surprisingly this section does not require inclusion in the central index of those aliens who are not admitted or excluded—but who are apprehended after illegally entering the United States. This class of aliens certainly is of much greater concern to security and enforcement officers.

We might multiply instances wherein the new act gives the Department of Justice serious problems of administration and enforcement. However, I will confine myself to these few criticisms. I have drawn your attention only to those few sections which, in my judgment, present the most serious problems. My associates will detail other

criticisms of the act. I am certain that what they have to say will be of great interest and assistance to you in your study.

The CHAIRMAN. Thank you very much.

Does anybody want to ask the Attorney General any questions?

Mr. ROSENFELD. General, in your statement you say that you believe there ought to be some clarification of section 212 (a) (10) in connection with the conviction of two or more offenses?

Mr. McGRANERY. That's right.

Mr. ROSENFELD. Would it be possible for the Department, at some convenient time, to let the Commission have its proposal for what that amendment might well be?

Mr. McGRANERY. We would be happy, I think, to suggest language which might perhaps clarify this very difficult question.

Mr. ROSENFELD. As I understand your observations, they are to the effect, despite the conference committee report, the danger still exists that people may unjustly either be kept out or permitted in?

Mr. McGRANERY. That's right. It works both ways. There is no way at all presently, under the language of the present act, for this Department to make a proper and thorough investigation in the countries from which they come.

Mr. ROSENFELD. What would be the result, then, under the present circumstances, when this act goes into effect and prior to any possible amendment? What will happen to these people?

Mr. McGRANERY. Well, we either accept their word, or we perhaps go into court with a very nebulous reason as to why we exclude them.

The CHAIRMAN. You just do the best you can, that's all.

Mr. McGRANERY. That's right, exactly so.

Mr. ROSENFELD. It would be helpful to the Commission, General, if we could have your suggestion on that.

Mr. McGRANERY. We will be very happy to work with the Commission in trying to arrive at some language that perhaps would suggest not only a more equitable but an even stronger safeguard to the internal security of the country. The real danger lies there.

The CHAIRMAN. General, may I ask you just one question? You have indicated in the statement that the questions that involve policy matters will be discussed by other members of the Department. There is, however, one thing that you—

Mr. McGRANERY. Excuse me, now, Mr. Chairman, so that I will be following your thinking correctly. Only policies insofar as they relate to the administration of the act. I have asked my folks to restrict themselves to that, rather than to get off into the field of policy generally that might belong to the Congress, policy generally that might be accepted from other expert authorities in the State Department with respect to quotas and the like. The inequities of that I would prefer not to discuss.

The CHAIRMAN. That answers the question that I had in mind.

Thank you very much, General.

Mr. McGRANERY. You are welcome, sir, and thank you, gentlemen, for having me with you this morning.

Mr. ROSENFELD. Mr. Chairman, I would like to request that the record be left open at this point for the incorporation of a statement to be submitted by the Acting Solicitor General.

The CHAIRMAN. The record may remain open for this purpose.

(The statement of the Honorable Robert L. Stern, Acting Solicitor General, follows:)

STATEMENT SUBMITTED BY THE HONORABLE ROBERT L. STERN, ACTING SOLICITOR
GENERAL OF THE UNITED STATES

OFFICE OF THE SOLICITOR GENERAL,
Washington, D. C., November 13, 1952.

HARRY N. ROSENFELD, Esq.,

*Executive Director, the President's Commission on
Immigration and Naturalization,
Executive Office, Washington 25, D. C.*

DEAR MR. ROSENFELD: This is in reply to your letter of October 20, 1952, in which you requested my views on the following questions:

Do you believe that existing opportunities for judicial review of immigration orders are adequate? Would you favor a special statutory review procedure and, if so, in what form? Or is it your view that existing statutory devices for review, in the Administrative Procedure and Declaratory Judgment Acts and in the availability of habeas corpus, are sufficient? Would you recommend some statute or procedural rule to eliminate cumulative remedies, to minimize dilatory tactics, and to give priority to the hearing of court reviews of immigration orders?

I am strongly of the opinion that the form and other incidents of the judicial review of deportation orders should be clarified by legislation.

Prior to the enactment of the Administrative Procedure Act in 1946, it was settled that administrative orders for the exclusion or deportation of aliens were reviewable only in habeas corpus proceedings. The general language of section 10 of the Administrative Procedure Act has created doubt as to whether judicial review of such orders continues to be so restricted, or whether such orders may now be reviewed in injunction or declaratory judgment proceedings or by so-called petitions for review under section 10. The courts of appeals for the third and sixth circuits have held that under section 10 judicial review of deportation orders is no longer limited to habeas corpus proceedings, *United States v. Carusi* (166 F. 2d 457, abated 168 F. 2d 1014 (C. A. 3)); *Podovinnikoff v. Miller* (179 F. 2d 937 (C. A. 3)); *Prince v. Commissioner* (185 F. 2d 578 (C. A. 6)); *Kristensen v. McGrath* (179 F. 2d 796 (C. A. D. C.)); see also *Sardo v. McGrath* (196 F. 2d 20, 22 (C. A. D. C.)), while the Supreme Court reserved the question in *McGrath v. Kristensen* (340 U. S. 162, 169). The issue is presently pending before the Supreme Court in *Martinez v. Neely* (No. 218).

Under these decisions, the alien has a choice of obtaining judicial review of an order for his deportation by commencing an action for a declaratory judgment either before or after he is taken into custody, or by habeas corpus proceedings instituted after he is in custody. These alternative remedies vary in such respects as venue, proper parties, and calendar expedition.

I think it will be agreed that there should be a single, fair, and expeditious review of such orders. In the case of deportation orders, I believe that there should be an orderly change from the practice that such orders may be challenged only in habeas corpus proceedings available only after the alien has been taken into custody for the purpose of deportation. While this prerequisite to the availability of habeas corpus is normally mitigated by the granting of administrative or judicial bail, it is inconvenient to the alien and of no corresponding benefit to the Government that he cannot challenge a deportation order which is otherwise final until he has been taken into at least nominal custody. I think there is general agreement that such orders should be subject to judicial review as soon as they are administratively final. The law might well require that review be sought within a specified period, such as 60 days, without prejudice to the right of the Service to take into custody or deport within that period if the public interest so required.

In my opinion, this change should be made by legislation under which the other aspects of such review will be defined adequately. If a form of action other than habeas corpus is desired, it should be defined, for example, as a special declaratory judgment procedure or a "petition" for review on the administrative record. Because of the number of such cases, it would seem that they should be required to be filed in the district courts of the United States, rather than in the courts of appeals. A venue provision should insure the distribution of such suits on the basis of the alien's residence or otherwise to avoid a concentration of cases in

the District Court for the District of Columbia. A proper respondent, such as the United States (thereby eliminating question of substitution and abatement), should be specified, with service to be made upon the officer in charge of the immigration district in which the alien resides. The scope of review could be defined by providing that the administrative findings of fact shall be conclusive if supported by substantial evidence on the whole administrative record. This is the same evidentiary standard as is contained in section 10 (e) of the Administrative Procedure Act, and in practice it has often been applied by the courts in reviewing deportation orders.

It is important that provision should be made for expediting such suits in the same manner as habeas corpus proceedings are now expedited. It would be intolerable if an alien could defer substantially his deportation (or exclusion) by commencing an action in a district where the state of the docket might preclude a hearing for a year or more.

In 1950, the Department of Justice suggested to Congress that the problem be met by legislation providing that habeas corpus proceedings should be the exclusive method for obtaining judicial review of deportation orders and that habeas corpus should be available for such review regardless of whether the alien had been taken into custody. Under this proposal, such matters as venue, the expedition of cases and the scope of review would be governed largely by the rules developed in habeas corpus proceedings.

Under either proposal, consideration should be given to eliminating as far as possible repetitive reviews of deportation orders which serve only to delay deportation. This could be accomplished through a provision modeled on 28 United States Code, section 2255, which substitutes a motion procedure for habeas corpus in Federal criminal cases (see *United States v. Hayman*, 342 U. S. 205). In addition, there should be a provision making the review procedure exclusive and the deportation order, unless set aside on review, binding on courts for all other purposes, including criminal proceedings.

It would seem that either approach would serve the purpose of providing for judicial review of deportation orders as soon as they become final administratively, while adequately prescribing the other incidents to such review. A special statutory review procedure seems preferable rather than a statutory modification of the extraordinary writ of habeas corpus. Historically, habeas corpus was not designed to serve as a method to obtain routine review of administrative orders. Also, it is likely that a statutory modification of habeas corpus in relation to immigration orders will create confusion in the law relating to habeas corpus proceedings generally. In my view, however, the adoption of either proposal would be preferable to the existing uncertainty with respect to the review of deportation orders.

The recommendations made in this letter relate only to deportation, not to exclusion proceedings. Habeas corpus seems to be an adequate remedy for such cases, which arise when an alien is detained upon entry.

I am authorized to state that the Immigration and Naturalization Service concurs in these suggestions.

Sincerely yours,

ROBERT L. STERN,
Acting Solicitor General.

The CHAIRMAN. The next witness will be Mr. Knox T. Hutchinson, Assistant Secretary of Agriculture.

STATEMENT OF HON. KNOX T. HUTCHINSON, ASSISTANT SECRETARY OF AGRICULTURE, APPEARING FOR HON. CHARLES F. BRANNAN, SECRETARY OF AGRICULTURE OF THE UNITED STATES

Mr. HUTCHINSON. I am Knox T. Hutchinson. I am appearing here this morning for the Secretary of Agriculture.

The CHAIRMAN. You may proceed, sir. The Commission will be glad to hear you.

Mr. HUTCHINSON. Mr. Chairman, I have a prepared statement here which I would like to read, with your permission.

The CHAIRMAN. We shall be glad to hear it.

Mr. HUTCHINSON. I am happy to have the opportunity to appear before this Commission and to make a statement which I hope will be helpful in furthering the important work in which you are engaged. I know that the Secretary of Agriculture greatly regrets his inability to be here in person because of his absence from the city on the dates of your hearings. I also want to assure you that we in the Department of Agriculture are ready and eager to help you in any way we can. The subject with which your Commission has been charged—to survey and evaluate the immigration and naturalization policies of the United States—is both fundamental and complex. By the same token, it is also a subject of vital importance to this Nation and to its exercise of the solemn responsibilities it has in the leadership of the free world's struggle for security and peace.

My comments are directed primarily toward the implications of immigration for agriculture. Since the matter of immigration policy is of concern to all segments of our society, and since agriculture is only a part in the total picture, my statement will by no means cover all phases of the subject relevant to the Commission's assignment. Moreover, I cannot claim any intimate familiarity or technical expertness in connection with the existing or proposed immigration laws.

Our immigration laws have been built up in piecemeal fashion over the years under circumstances very different from those in which we find ourselves today and which face us in the future. We are convinced that our immigration laws need further improvement. They need to be modernized, liberalized, and made to apply with justice and equity to the free people of the world and to those who have escaped from the tyranny and oppression of communistic governments. Your investigations and deliberations will, I am sure, be of great value in providing guidance as to how these objectives may be best achieved and the specific ways in which they might be implemented through appropriate legislation.

The Department of Agriculture has on a previous occasion testified in support of H. R. 7376, a bill which would have permitted the entry of 300,000 special nonquota immigrants from specified countries over a 3-year period. That bill sought, by special legislation, to authorize additional immigration into this country in recognition of this country's obligation to render aid in alleviating the problems created by Communist tyranny and overpopulation in certain European countries. In testifying on that bill in behalf of the Secretary of Agriculture, I pointed out the benefits that would result from such additional immigration to our country as a whole and to agriculture in particular.

In approaching the whole problem of immigration policy, rather than special emergency types of immigration legislation, we in this country are fortunate indeed that we can approach the subject with the feeling that our own enlightened self-interest coincides with the strong humanitarianism that is forever emblazoned in our American traditions. We are, after all, a country of immigrants and our greatness rests in part, on the solid foundations that our immigration predecessors have helped in building.

The economic interests of American farm families are inextricably tied to the economic welfare and economic progress of our urban and nonfarm population. Agriculture is now geared to a high production

economy and over the long run the prosperity of American agriculture depends primarily upon the market represented by the population in the United States. A prosperous agriculture is essential to the well-being of our nonfarm population. During the past decade there has been a strong upsurge in our population growth and by 1975 it is expected that our population will increase to about 190 million people or 20 percent above present levels.

While our total population has been increasing decade by decade, our farm population has been declining since 1916. The rate of decline became pronounced during the last decade. On one of the charts attached to my statement there is shown the farm population trend from 1910 to 1950 and a projection of that trend to 1975. Our farm population in 1951 was 23.3 million or 15 percent of the total population in the United States. If current trends continue, they could bring our farm population to a level of less than 20 million by 1975 or about 10 percent of what is projected for the total population of the United States in 1975.

The losses in farm population since World War II have also been reflected in a decrease in the number of farm workers. This trend is shown on another chart. In the same years when agriculture was losing many of its workers to defense industries and other nonagricultural occupations, our farms were called upon to increase the production of food and fiber to higher and higher levels. It was imperative to do this in order to feed and clothe our Armed Forces and our increasing civilian population, and to help feed the armies and peoples of our allies in World War II. The present defense emergency, which began with the outbreak of hostilities in Korea, once more imposed upon farmers of this country the great task of reaching year by year new record levels of output of food and fiber, despite the serious difficulties experienced in maintaining adequate numbers of farm workers and adequate supplies of machinery and other production goods. Fortunately, science and technology, along with hard work and ingenuity of American farmers, have enabled us so far to meet the challenge of increased production. But we cannot rest solely upon the achievements of the past. Our goals and sights for the future must envisage progressively higher levels of agricultural output. Undoubtedly we shall continue to achieve further gains in the productivity of our farm labor force and in the productive efficiency of our land and other agricultural resources. Nevertheless, there are within this picture of future food and fiber requirements, both the need and absorptive capacity of American agriculture for some augmentation of the supply of labor which a carefully liberalized policy of immigration would make available.

Stated simply, this agricultural production problem is twofold: First, we must find ways of increasing agricultural efficiency, especially in terms of yield or output per acre, to maintain or improve average per capita consumption for our increasing population, with reasonable allowance for exports; and second, to assist farmers in carrying forward conservation, including flood control and forestry activities which will assure maintaining the basic productivity of our soils over the indefinite future. This can be done. I have no fear that the American population will run short of food or that we will not be able to maintain, at least for a considerable number of years ahead, a sizable volume of exports.

There are some problems involved certainly. But American farmers have increased farm output 30 percent, 1952 compared with 1940, and given fair prices, a strong research program, and the necessary production requisites, machinery, fertilizer, spray materials, etc., they will measure up to the job.

As I have indicated, the supply of labor available to agriculture has been decreasing for some years. The rate of decline in the farm working force has gained momentum since we stepped up our defense and rearmament program following the outbreak of hostilities in Korea. In 1951, farm employment decreased about 300,000 under 1950, and 700,000 under 1949. This year the number of agricultural workers continues to decrease and may average 250,000 fewer than in 1951.

These losses of farm manpower reflect decreases in hired workers as well as among operators and unpaid family workers who have left farms to go into defense and other industries and into the Armed Forces. And I want to emphasize the fact that these net reductions in agricultural employment have occurred despite increased recruitment activities by the Department of Labor and despite increased use of foreign workers from Mexico and other countries in the Western Hemisphere—mainly for temporary employment at seasonal jobs.

The declining manpower situation in agriculture has become especially serious with respect to the supply of the skilled experienced regular workers so essential to the operation of dairy, livestock, poultry, and other types of farms. These regular workers include, not only some of the hired farm workers, but also members of the farm operator's family, as well as the farm operator himself. Insofar as permanent immigration into the United States is made possible, some help would be forthcoming to farmers in providing a source of regular hired farm workers to assist in meeting production needs.

I should like therefore to deal a little more specifically with the hired farm labor situation as it pertains to the regular or year-round farm workers. Early this year we asked our State and county agricultural mobilization committees to appraise their current agricultural manpower situation. A majority of the States characterized their situation by terms ranging from "critical" to "tight generally." Most of the others indicated that the situation was either tighter than in 1951 or about the same, with some reporting spot shortages. Only a few did not report that manpower was a major problem.

Almost one-third of the States said their greatest manpower difficulty was the short supply of regular year-round hands. One-fourth said their problem was the short supply of both regular and seasonal labor. Reports of farm manpower difficulties came from States in all sections of the Nation. The reported demand for year-round workers involves not only hired men working under the supervision of farm operators, but also farm tenants in some areas.

These appraisals can be supplemented by results from recent surveys of the Bureau of Agricultural Economics. Between 1949 and 1951, there occurred in the United States as a whole a decrease of about 20 percent in the number of regular hired workers on farms.

The severity of the decrease and its effects on agricultural production vary in different parts of the country. Special surveys have been made by the Bureau of Agricultural Economics, in cooperation with the agricultural experiment stations in Wisconsin and Connecticut,

focused on manpower losses and turn-over on dairy farms. In the eastern dairy area of Wisconsin about 8 percent of the farms reported unreplaced losses of regular workers in the year following Korea. These farms also showed substantial decreases in size of dairy herd. Among commercial dairy farms in Connecticut about 25 percent had unreplaced losses of regular hired labor in the 2 years preceding April 1952, and about one-sixth of these reduced the size of their farming operations because of their manpower losses.

We recognize, of course, that changes in immigration policy could not be expected to solve all of our manpower problems in agriculture. But I believe that changes can be made which would contribute to meeting the needs of the moderate-size commercial family farm that requires year-round hired labor. We know that there are in Western Germany, Italy, the Netherlands, Greece, and in other European countries many excellent, experienced agricultural workers who cannot find productive employment on the limited agricultural land available. We have need for them and can use them productively without adverse effects on the employment conditions of our own citizens.

Although we have a great need for farm manpower, I would be the last to propose the admission of aliens if by so doing American citizens were forced into unemployment or denied opportunities for occupational or economic advancement. I do not believe what is contemplated will have that effect. If proper care is exercised in the selection and placement of those to be admitted, there is reason to believe that an important contribution can be made to our agricultural economy. American farmers are prepared to pay the wages prevailing in their communities for qualified agricultural workers, and if they can get the help they need, our productive capacity will benefit.

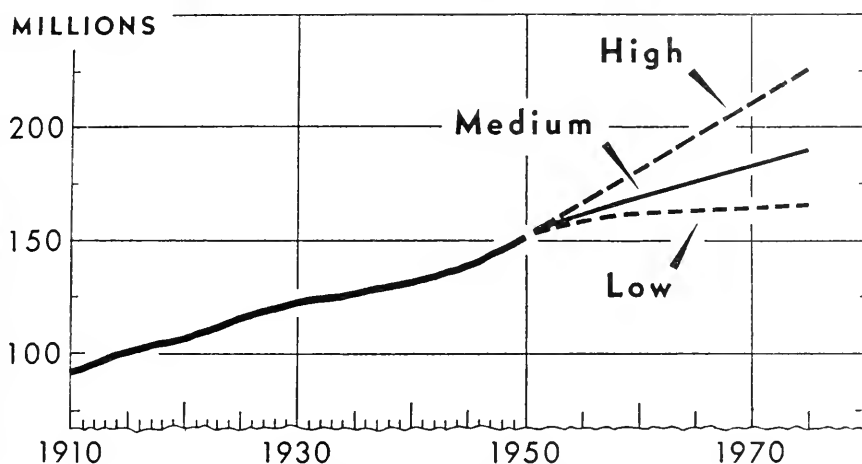
In closing, I want to stress the fact that farmers are facing an especially serious problem in the urgent need for regular or year-round labor with actual or potential skills as key workers on sheep and cattle ranches and on dairy and certain other types of farms. In keeping with trends in food consumption patterns in the United States, agricultural production policy in the years ahead will continue to emphasize increased production of livestock and livestock products, which have heavy requirements for year-round workers. The problem of recruitment of skilled domestic regular farm workers is, worker for worker, much more difficult than the recruitment of most types of seasonal farm workers.

The CHAIRMAN. Thank you very much, Mr. Secretary. The Commission appreciates the time and effort devoted to your very informative statement.

May I ask you one question about it? During the hearings that we have held in other cities we were asked in several places whether those who advocate an increase in the amount of annual immigration to the United States take into consideration the fact that we have Armed Forces abroad that have been recruited for the emergency, we have in training many young men who have been inducted into the Army and the Navy and other branches of the Armed Forces, with the hope, at least, that that will only be a temporary measure, and they asked whether or not in advocating, as some do, that there should be an increase in the amount of immigration permitted each year, consideration has been given to the effect of the return of those in the armed services. Here you point out that the amount of farm labor

GROWTH OF U. S. POPULATION

1910-50 and Projected 1950-75



1910-50 ESTIMATES AND 1950-60 PROJECTIONS FROM CENSUS BUREAU; 1975, UNOFFICIAL PROJECTION FROM CENSUS BUREAU USING SIMILAR ASSUMPTIONS

U. S. DEPARTMENT OF AGRICULTURE

NEG 46615-XX BUREAU OF AGRICULTURAL ECONOMICS

Population projections indicate that the total population of the United States will continue to increase in the next 25 years. Under medium conditions, the population could well increase to close to 190 million by 1975. Under the most

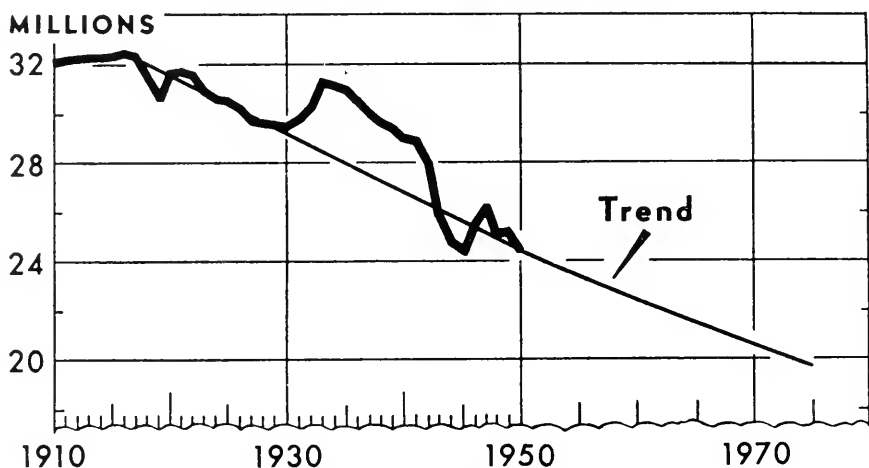
favorable conditions the increase might be even greater. The expected increase in population will mean an increase in the market for agricultural products.

United States Population, 1910-50, and projected 1950-75 ^{1/}

Year (July 1)	Total population	Year (July 1)	Total population	Year (July 1)	Total population		
					Low series	Medium series	High series
	Millions		Millions		Millions	Millions	Millions
1910	92.4	1930	123.1	1950	151.7	151.7	151.7
1911	93.9	1931	124.0				
1912	95.3	1932	124.8				
1913	97.2	1933	125.6				
1914	99.1	1934	126.4				
1915	100.5	1935	127.3				
1916	102.0	1936	128.1	1955	158.2	161.7	166.2
1917	103.4	1937	128.8				
1918	104.5	1938	129.8				
1919	105.1	1939	130.9	1960	161.7	169.4	180.3
1920	106.5	1940	132.1				
1921	108.5	1941	133.4	1975	165.6	190.1	225.3
1922	110.1	1942	134.8				
1923	111.9	1943	136.7				
1924	114.1	1944	138.4				
1925	115.8	1945	139.9				
1926	117.4	1946	141.4				
1927	119.0	1947	144.1				
1928	120.5	1948	146.6				
1929	121.8	1949	149.1				

^{1/} 1910-50 estimates and 1950-60 projections from Census Bureau; 1975, unofficial projection from Census Bureau using similar assumptions.

DECLINE IN FARM POPULATION 1910-50 and Projected 1950-75



BASED ON COOPERATIVE ESTIMATES OF THE BUREAU OF AGRICULTURAL ECONOMICS
AND THE BUREAU OF THE CENSUS

U. S. DEPARTMENT OF AGRICULTURE

NEG. 43457A-XX BUREAU OF AGRICULTURAL ECONOMICS

Since the peak of farm population in 1916, the trend in number of persons living on farms has been generally downward. The depression in the 1930's brought a temporary increase, but World War II with its demand for manpower in industry and the armed forces caused a rapid loss in the farm

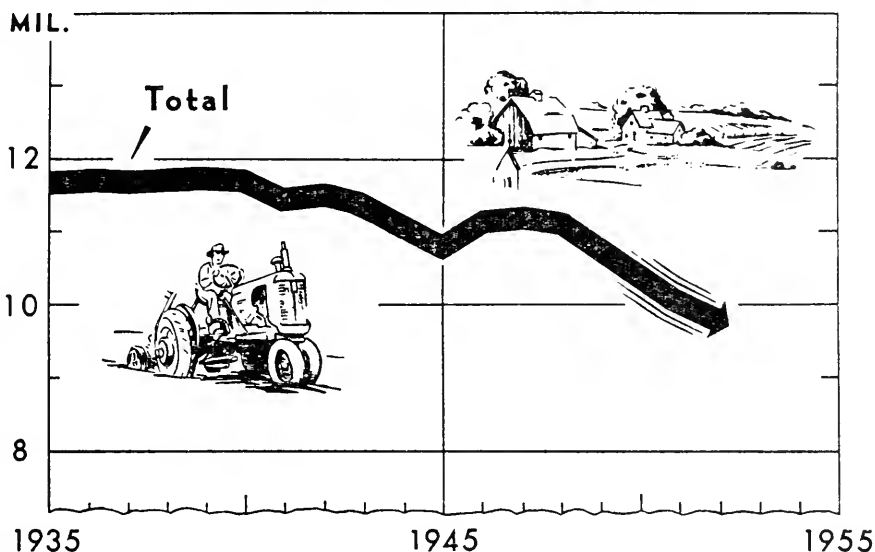
population. The size of the farm population now is about what it would have been if the average annual rate of decrease experienced between 1916 and 1930 had continued to the present.

Farm population, United States, 1910-50, and projected 1950-75

Year (April 1)	Number of persons on farms	Year (April 1)	Number of persons on farms	Year (April 1)	Number of persons on farms
	Thousands		Thousands		Thousands
1910	32,077	1926	30,166	1942	27,895
1911	32,110	1927	29,650	1943	25,767
1912	32,210	1928	29,602	1944	24,647
1913	32,270	1929	29,587	1945	24,342
1914	32,320	1930	29,460	1946	23,643
1916	32,440	1931	29,726	1947	23,147
1916	32,530	1932	30,233	1948	23,093
1917	32,236	1933	31,202	1949	22,134
1918	31,561	1934	31,075	1950	24,336
1919	30,618	1935	30,891		
1920	31,559	1936	30,424		
1921	31,641	1937	29,907	1955	23,318
1922	31,561	1938	29,577	1966	21,409
1923	30,876	1939	29,391	1976	19,658
1924	30,496				
		1940	29,047		
1925	30,443	1941	28,796		

Estimates 1910-50 from Bureau of the Census and Bureau of Agricultural Economics, No. 16A; estimates for the years 1916-49 have been revised to be comparable with the new definition of farm population introduced in the 1950 Population Census. Projections for years after 1950 are based on the assumption that the farm population will continue the average annual rate of decline that prevailed between 1916 and 1950, an average decrease of 0.85 percent per year.

WORKERS ON FARMS



U. S. DEPARTMENT OF AGRICULTURE

NEG. 48780-XX BUREAU OF AGRICULTURAL ECONOMICS

The decline in the numbers of people working on farms continued in 1952. Most of the decrease this year has been in the numbers of farm operators and the unpaid members of their

families. Mechanization on farms and the movement of farm workers to industrial jobs continued to be the major factor in the decrease in number of workers employed in agriculture.

Farm employment: Annual averages of total, family, and hired employment
United States, 1910-52

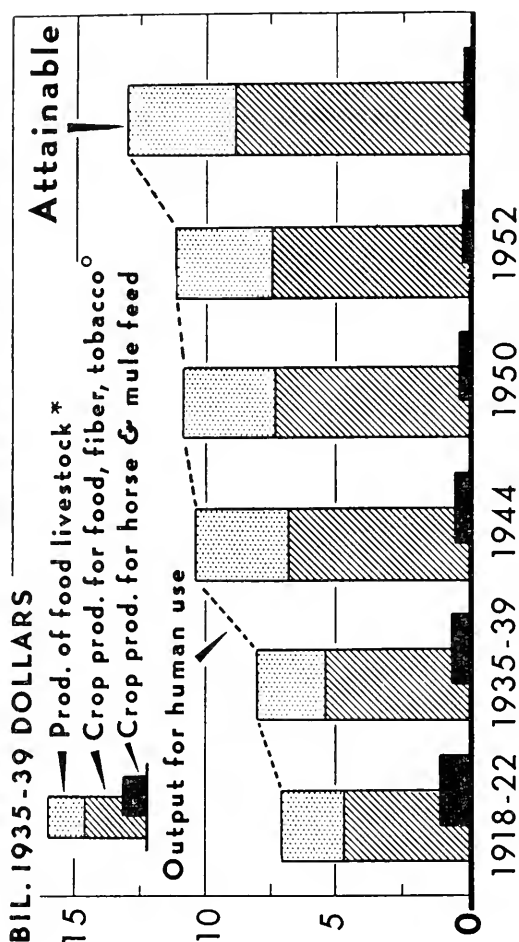
Year	Total employment:	Family workers	Hired workers	Year	Total employment:	Family workers	Hired workers
	Thousands	Thousands	Thousands		Thousands	Thousands	Thousands
1910	12,146	9,269	2,877	1933	11,347	8,861	2,486
1911	12,042	9,172	2,870	1934	11,285	8,864	2,421
1912	12,038	9,149	2,889	1935	11,654	9,130	2,524
1913	12,033	9,128	2,905	1936	11,688	9,977	2,711
1914	12,000	9,081	2,919	1937	11,651	8,850	2,801
1915	11,981	9,047	2,934	1938	11,658	8,855	2,802
1916	12,016	9,050	2,966	1939	11,723	8,915	2,808
1917	11,789	8,856	2,933	1940	11,671	8,866	2,805
1918	11,348	8,507	2,841				
1919	11,106	8,322	2,784	1941	11,419	8,652	2,767
1920	11,362	8,479	2,883	1942	11,458	8,689	2,769
				1943	11,329	8,704	2,625
1921	11,412	8,511	2,901	1944	11,055	8,643	2,412
1922	11,443	8,529	2,915	1945	10,813	8,543	2,265
1923	11,385	8,491	2,894	1946	11,092	8,766	2,326
1924	11,362	8,438	2,874	1947	11,166	8,759	2,407
1925	11,466	8,579	2,887	1948	11,080	8,595	2,485
1926	11,511	8,489	3,012	1949	10,756	8,326	2,430
1927	11,243	8,288	2,955	1950	10,351	8,043	2,308
1928	11,295	8,341	2,954				
1929	11,282	8,302	2,980	1951	10,022	7,799	2,223
1930	11,161	8,329	2,832	1952 1/2	9,780	7,590	2,190
1931	11,258	8,560	2,698				
1932	11,263	8,754	2,529				

1/ Preliminary estimate.

Data published currently in Farm Labor report (BAE).

Past and Attainable Within 5 Years

THE FARM OUTPUT PICTURE



DATA FOR ATTAINABLE LEVELS BASED ON REPORTS ON STATE PRODUCTIVE CAPACITY COMMITTEES

* INCLUDES PRODUCT ADDED AND PASTURE FEED CONSUMED

o INCLUDES FEED, EXCEPT FOR HORSES AND MULES

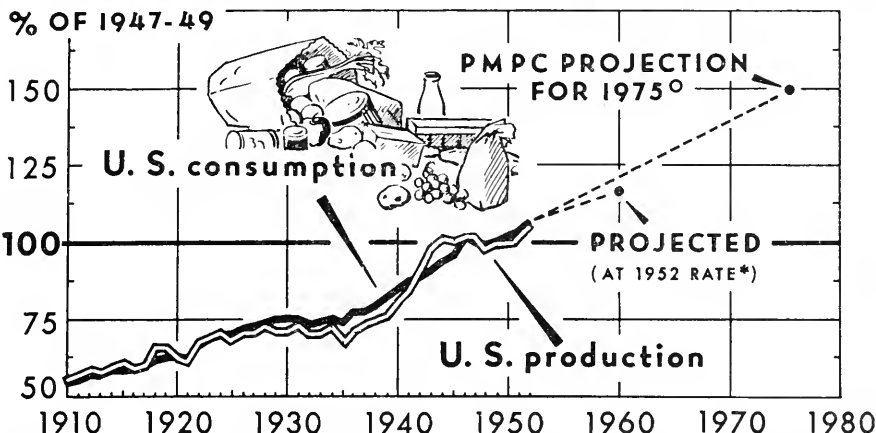
U. S. DEPARTMENT OF AGRICULTURE

NEG. 48634-XX BUREAU OF AGRICULTURAL ECONOMICS

If it were urgently needed, American agriculture could increase its total output by around one-fifth within about 5 years, provided there were favorable cost-price relationships during the 5-year period, as well as availability and use of greatly increased quantities of fertilizer, machinery, and other production goods. This is the con-

clusion reached by 48 State Productive Capacity Committees in an appraisal of the expansion in farm output which would be possible under the conditions specified. The increase, it was estimated, would have to come primarily from increased crop and livestock yields through greater adoption of known improved production practices.

PROJECTED FOOD CONSUMPTION RELATED TO PAST PRODUCTION



*PROJECTION SHOWING WHAT U.S. FOOD CONSUMPTION WOULD TOTAL IN 1960 AT THE SAME RATE OF CONSUMPTION PER PERSON AS IN 1952, ALLOWING FOR MEDIUM POPULATION INCREASE AS PROJECTED BY BUREAU OF THE CENSUS.

°PROJECTION SET FORTH IN RECENT REPORT TO THE PRESIDENT'S MATERIALS POLICY COMMISSION, REPRESENTING A 14 PERCENT INCREASE OVER 1950 IN FOOD CONSUMPTION PER PERSON AND A 28 PERCENT INCREASE IN U.S. POPULATION.

U. S. DEPARTMENT OF AGRICULTURE

NEG. 48807-XX BUREAU OF AGRICULTURAL ECONOMICS

The solid lines on the above chart trace the changes in total U. S. food consumption and domestic food production from 1910 to 1952, indicating in overall terms how nearly self-sufficient the United States has been with respect to food.

The dotted lines show two projections of possible future food consumption. Neither is a forecast of consumption, or of future food requirements. These projections, as well as the others on the following pages of this publication, are presented as tools which will be useful to analysts in studying our food consumption and food production situation.

The lower of the two projections, to 1960, shows what our food consumption would total in 1960 at the present rate of consumption per person, with the population in 1960 being

in line with the medium population growth projected by the Bureau of the Census.

The higher projection is the one set forth in the report, "Future Demands on Land Productivity," made recently to the President's Materials Policy Commission. This projection, to 1975, assumes a 14 percent rise from 1950 to 1975 in the rate of food consumption per person, along with a 28 percent increase in population. This substantially higher projection of food consumption was developed from the projected rise in disposable income per capita from \$1,300 in 1950 to \$2,000 in 1975 and an implicit assumption of the same level of retail food prices as the average for 1950.

Indexes of total food consumption and production, 1910-52, and projections
of consumption for 1960 and 1975 1/
(1947-49 = 100)

Year	Consumption	Production	Year	Consumption	Production	Year	Consumption	Production
1910 :	54	55	1927 :	73	71	1943 :	90	98
1911 :	55	57	1928 :	74	73	1944 :	94	102
1912 :	57	58	1929 :	75	71	1945 :	97	101
1913 :	57	57	1930 :	75	71	1946 :	102	102
1914 :	58	59	1931 :	75	73	1947 :	101	102
1915 :	59	61	1932 :	74	70	1948 :	99	98
1916 :	59	60	1933 :	74	71	1949 :	101	100
1917 :	60	60	1934 :	76	73	1950 :	102	100
1918 :	62	66	1935 :	74	68	1951 :	104	101
1919 :	63	66	1936 :	77	71	1952 :	107	105
1920 :	63	63	1937 :	78	74			
1921 :	62	61	1938 :	79	75	1960 :	2/ 117	
1922 :	66	67	1939 :	83	77			
1923 :	68	69				1975 :	3/ 149	
1924 :	70	71	1940 :	85	81			
1925 :	71	68	1941 :	88	84			
1926 :	73	71	1942 :	89	92			

1/ Derived from index of civilian food consumption (using civilian rate of consumption for military personnel) and from the index of volume of food production for sale and farm home consumption.

2/ Projection for 1960 using same rate of consumption per person as in 1952 (112 percent of 1935-39) and medium population increase as projected by Bureau of the Census.

3/ Projection in report to the President's Materials Policy Commission, representing a 14 percent increase over 1950 in food consumption per person and a 28 percent increase in United States population.

has decreased from 1950 to 1952, presumably, in part, because of inductions into the armed services, and you say that there is room for properly qualified persons to help our economy by filling up these gaps that have occurred in the farm population.

I make that long preliminary statement just to ask you whether, in arriving at the conclusions that you do, that factor has been taken into consideration?

Mr. HUTCHINSON. Yes, Mr. Chairman, we have taken that into consideration, and we know that we are faced with two problems other than the one that you mentioned here, reduction of farm labor because of induction or as the result of the Korean situation. Even before that, we were having rapid declines in farm workers going into industry and, mind you, that our greatest draw on the manpower during the 2 years since Korea has been in the direction of industry, rather than in the direction of the Armed Forces. The Armed Forces has taken its pro rata, of course, but we also have a continued rapid growing population in this country which is calling on agriculture for more and more production, and our figures are based largely on the requirements of agriculture over the projected years to 1975, say, on the basis of present consumption, and at the same time we must remember during the last 10 or 15 years the average consumption has increased about 13 percent per capita, and if we expect to continue that upward trend in population and in per capita consumption, agriculture will have continued requirements on the very definite upward trend to meet our domestic requirement, to say nothing about meeting our possible continuing, at least at the present level, of export requirements, or possibly an upward trend in export requirements.

The CHAIRMAN. What you say leads to this further inquiry: A number of farm workers have gone into the armed services, beginning, say, in 1950, maybe a little bit ahead of that time because of the recent legislation, and, as you say, other farm workers have been attracted to the cities because they can get employment with these expanded industries, many of which have also relationship to the war emergency or the situation abroad. If that should terminate or slacken in some way, wouldn't you have a return to the farms, first, by some of those who came off of the farms and who went in the armed services, plus a return of those who would leave the factories or industries whose work would be curtailed if the war emergency or these emergency conditions terminated?

Mr. HUTCHINSON. Certainly, I think we'd have some return to the farm; no doubt, under those conditions we would have some return.

The CHAIRMAN. Also from the factories?

Mr. HUTCHINSON. That's right.

The CHAIRMAN. This production, certainly, for arms would be curtailed if the emergency came to an end. But do you think that whatever return there would be, there would still be room for additional farm workers because of the growing population and because of the increased consumption here and abroad?

Mr. HUTCHINSON. We feel that there is room for some; yes.

The CHAIRMAN. Are you prepared to make any estimate?

Mr. HUTCHINSON. Well, I am not sure that I am. Mr. Chairman, I have with me several who probably would like to give an answer more definite in figures on that question.

Mr. Wells, would you suggest someone in our group who might give a further answer to the chairman's question, or would you?

STATEMENT OF O. B. WELLS, CHIEF OF THE BUREAU OF AGRICULTURAL ECONOMICS, UNITED STATES DEPARTMENT OF AGRICULTURE

Mr. WELLS. I am O. B. Wells, Chief of the Bureau of Agricultural Economics, United States Department of Agriculture. May I ask what is the question precisely?

The CHAIRMAN. This last question was whether the Secretary was prepared to estimate or to give us an idea as to how many additional immigrants he thought could be accepted into the United States. I suppose in his case it would be with relationship to the agricultural problem only.

Mr. WELLS. In consideration of the two facts you brought out, some return from industry and some return from military forces?

The CHAIRMAN. Whatever factors might be represented in determining an immigration policy for the United States.

Mr. HUTCHINSON. That is rather a difficult question, I know, to give a concrete answer to, but if someone in my group would like to make an effort at it, we would be glad to have it.

Mr. WELLS. Mr. Chairman, I think that the only time that the Department, Mr. Secretary, has given a quantity in figures on that is when you testified, I believe, on the bill H. R. 7376 to admit 300,000 over a period of 3 years, which was to the effect we thought we could certainly absorb 100,000 a year over and above, I believe it was, the regular immigration at the time.

The CHAIRMAN. Is that 100,000 for agricultural purposes?

Mr. WELLS. No, I think the Department of Agriculture favored and thought the country could absorb 300,000 people over a period of 3 years. I think that is as close as we have come to it. I think the answer to your question rests in large part on the agriculture sector and in large part on whether there are enough natural resources in the United States to employ them. About all I can say to you is that most of the people in the United States are looking forward to a rather substantial increase in population over the next 20 or 25 years, and I don't know anyone who is very much worried about it, because as you add people, you add productive ability, too.

May I say, Mr. Secretary, that if they look at the second chart in your prepared statement, the trend in foreign population, you can get some statistical information and answer to your first question as to how the trend in population was affected by the return of soldiers and others from World War I and also from World War II, and I think you will find they made very little dent on the actual trend of the farm population because of this rapid shift of farm people into nonfarm industries.

Mr. ROSENFELD. Mr. Wells, what the Department is saying, as I gather, is that certainly for the next 3 years you can see the addition of 100,000 persons to the population in addition to the 154,000 already provided for by existing statute; is that correct?

Mr. WELLS. What I am saying is that the Department testified specifically in favor of a bill to provide that quantitative figure you are talking about, if my memory serves me correctly, and as near as I can remember, that is the only figure we have talked about at any time.

The CHAIRMAN. The 100,000 a year that the Department approved was for all purposes, and by my question I had hoped maybe we could get an idea as to what the Department thought with reference to additional admissions for agricultural purposes only, not taking into account other purposes.

Mr. WELLS. I am not aware of any specific study which would give an answer, as such, to that. There are places in agriculture where we very badly need some foreign workers, foreign people who are especially qualified.

The CHAIRMAN. Whether they are foreign or not, I gather you mean farm workers. We have heard testimony that there are shortages of them in different places of the country, and I just wondered whether you could give the Commission the benefit of any study that had been made as to the amount of existing shortage, if any.

Mr. WELLS. I don't recall a specific estimate. The number of farm workers is going down. We are replacing them in some instances with rather expensive machinery. There are times and places where we are going to need more men rather than machinery.

Mr. ROSENFELD. May I pursue that just a moment? Was your statement in regard to H. R. 7376 that over 3 years, the country as a whole could absorb 100,000 people additional each year?

Mr. WELLS. Yes.

Mr. ROSENFELD. Have you projected how much beyond 3 years we could absorb that?

Mr. WELLS. No; I know of no other study in the Department.

Commissioner PICKETT. I was going to ask a question which relates to a comment that has been very often made to the Commission, that we have no right to bring in people, because housing is very short and why bring in more people when the people who live here now are not able to find suitable places to live. I wonder whether that applies on farms. Is there housing available now?

Mr. HUTCHINSON. I was going to say that is probably a partial answer to your question. I think that you will find more houses on farms available for such than you would in other segments of the country, undoubtedly you would.

Commissioner PICKETT. I don't know that we have any positive figures on that. Does anyone in your group have any positive figures on that, the availability of houses on farms for additional workers?

Mr. WELLS. Not directly, Mr. Secretary, although we do know, as a matter of fact, with the decreasing farm population there are many areas where there are vacant houses. I may say, this will partly answer your question, Mr. Chairman. Those people will come into the country at a fairly gradual rate, and housing shortages are temporary, and if the defense emergency might ease off, I think we might like some construction work in a couple of years.

Commissioner GULLIXSON. I assume in suggesting immigration as a solution for farm workers the Secretary is thinking in terms of families?

Mr. HUTCHINSON. Yes.

Commissioner GULLIXSON. And the housing involved therein?

Mr. HUTCHINSON. Particularly we are thinking on the basis of selected workers that will fit the particular needs of agriculture. As I pointed out in my statement, the problem is not so serious with temporary, seasonal workers as we find it in some sections for year-round workers.

Commissioner GULLIXSON. It is families that confront us, of course, in the immigration problem.

Mr. HUTCHINSON. Yes; I think that would naturally follow.

Commissioner GULLIXSON. One other question. In reading the report of the President's Commission on Migratory Labor, we discovered this startling thing: That the coming of the beet machine, both for thinning and harvesting beets, and the coming of the cotton-picking

machine had turned the edge so that even the migrant Mexican laborers don't find the opportunities that they did just a year or two ago and that the cotton-picking machine is moving on across Texas into Louisiana. Does your Department have a general survey of that problem as it may release considerable amounts of American labor?

Mr. HUTCHINSON. We do know that farms are rapidly becoming more mechanized, which fulfills the condition that you described, but, at the same time, I think you will find that agriculture is adjusting itself somewhat to the available labor supply, rather than taking its normal course if we had a sufficient labor supply. We also find adjustment of agriculture in that direction, as well as further mechanization of agriculture.

Commissioner GULLIXSON. In speaking of the commercial family-size farm, are you thinking quite largely of the more hilly areas where the caterpillar tractor can't get in?

Mr. HUTCHINSON. In part, yes; and the type of agriculture itself, because there is still much of our agriculture, in particular parts of the country, that we need badly toward improving the diet of the American people, which is still largely on a hand-labor basis, because it has not been possible to mechanize that type of agriculture. Much of our fruit production and vegetable production, and so on, is still largely hand labor.

Commissioner GULLIXSON. Then this picture would not include the sweep of the Great Plains States and the areas where the family-size farm has increased from 80 acres to 320 acres?

Mr. HUTCHINSON. Well, I wouldn't say that the increase in actual acres has diverted us from one kind of farm to another. I think they are still family farms, but they have been able to move to the larger acreage because of the mechanization and because of necessity economically, and to provide an opportunity for a standard of living that has become more or less the American pattern.

Commissioner GULLIXSON. Thank you, Mr. Hutchinson.

Commissioner O'GRADY. Mr. Secretary, you haven't given any figures in regard to the increased age of the farmer. We hear it said that the present farmer's age is increasing, and that there is quite a problem of replacement. I have heard that almost everywhere in Wisconsin, for instance.

Mr. HUTCHINSON. Well, we do know that during World War II many retired farmers and farmers who should have retired came back and remained in agricultural services. During the war period it was a patriotic duty and it was a necessity otherwise because of lack of available labor, and that condition exists somewhat today.

In partial answer to the question that the chairman asked a few minutes ago, I think that if we had a more ready supply of farm labor, many of our farmers who are overdue to retire would gladly place themselves in retirement.

Commissioner O'GRADY. Do you think that would result in their hiring people to operate their farms, who might find themselves owning the farms eventually?

Mr. HUTCHINSON. Well, that would be probably a natural trend, not to the disadvantage of the present ownership particularly. We certainly don't feel such farm labor would work to the disadvantage of present ownership of the farms of this country to the extent that they would push in and take ownership.

The CHAIRMAN. Thank you very much, Mr. Secretary.

Is Mr. Louis Bean here?

STATEMENT OF LOUIS H. BEAN, ECONOMIST, OFFICE OF THE
SECRETARY, UNITED STATES DEPARTMENT OF AGRICULTURE

Mr. BEAN. I am Louis H. Bean, an economist in the Office of the Secretary, United States Department of Agriculture.

The CHAIRMAN. The Commission will be glad to hear you, Mr. Bean.

Mr. BEAN. Mr. Chairman. I have a statement here which I should like to read, together with some charts.

The CHAIRMAN. You may do so.

Mr. BEAN. The immigration restrictions of the past 25 years, both legal and economic, have retarded the economic growth of this country. Our growth in resources, income, and wealth has been great, but it would have been even greater.

We would today have 16 to 17 million more people in this country, or 11 percent more persons in the labor force producing at least \$35 billion more of national output, nearly \$30 billion more of national income, \$15 billion more in wages, and \$3 billion more in farm cash income. New England would have a national market for its new, as well as its long-established industries, 11 percent greater than at present. The South would have an even greater outlet for the products it seeks to market in the Northern and Western States, and the Middle Western States would be sharing more fully in the economic growth of the country than it is now doing, in view of its lagging population trend. Furthermore, instead of 4 million businesses in operation today we would have another 500,000 firms, both big and little, in manufacturing, construction, wholesale and retail trade, services, and finance.

Had legal and economic immigration restrictions not held our population growth down, we would have had more manpower and even greater industrial capacity with which to wage World War II, and to the extent this would have shortened the duration of the war, it would have cut down on casualties, kept the money cost of the war down, and left us with a smaller national debt.

These and many other conclusions emerge from the analyses of the effect our immigration restriction policies and conditions appear to have had on population growth.

I would call your attention first to the long-time annual record of immigration into the United States covering the past 80 years (table 1 and chart below). The record shows the well-known waves of immigration of the 1840's and of the 1860's and 1870's, of the 1880's and 1890's. It shows the wave during the first decade of the century and the second one checked abruptly by World War I. These waves of immigration are associated with the major waves of prosperity that have successively raised our economic level to new heights.

TABLE I.—United States immigration from all countries, 1820–1950

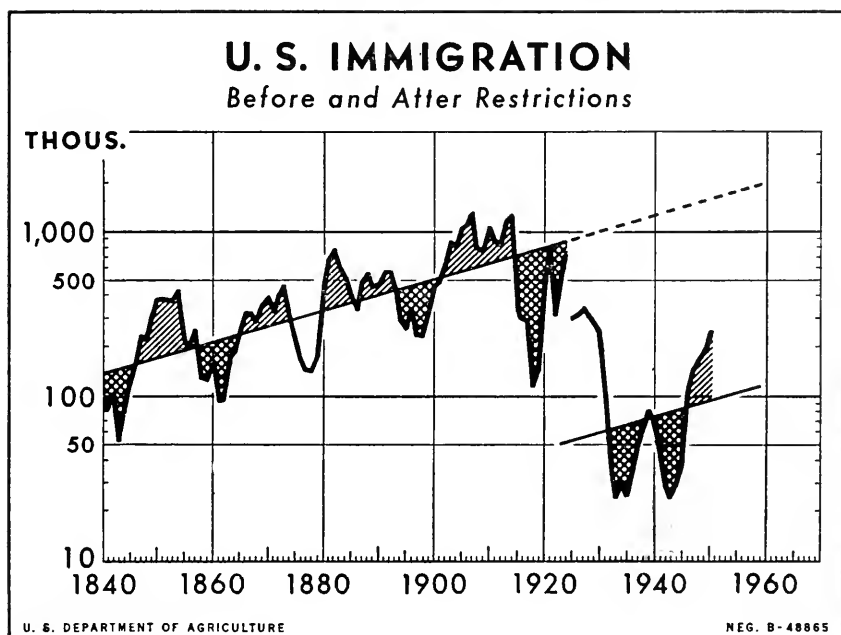
1820	8,385	1823	58,640	1846	154,416
1821	9,127	1824	65,365	1847	234,968
1822	6,811	1825	45,374	1848	226,527
1823	6,354	1826	76,242	1849	297,024
1824	7,912	1827	79,340	1850	369,980
1825	10,199	1828	38,914	1851	379,466
1826	10,837	1829	68,069	1852	371,602
1827	18,875	1830	84,066	1853	368,645
1828	27,382	1831	80,289	1854	427,833
1829	22,520	1832	104,565	1855	200,877
1830	23,322	1833	52,496	1856	200,436
1831	22,633	1834	78,615	1857	251,306
1832	60,482	1835	114,371	1858	123,126

TABLE I.—United States immigration from all countries, 1820–1950—Continued

1859	121, 282	1890	455, 302	1921	805, 228
1860	153, 640	1891	560, 319	1922	309, 556
1861	91, 918	1892	579, 663	1923	522, 919
1862	91, 985	1893	439, 730	1924	706, 896
1863	176, 282	1894	285, 631	1925	294, 314
1864	193, 418	1895	258, 536	1926	304, 488
1865	248, 120	1896	343, 267	1927	335, 175
1866	318, 568	1897	230, 832	1928	307, 255
1867	315, 722	1898	229, 299	1929	279, 678
1868	138, 840	1899	311, 715	1930	241, 700
1869	352, 768	1900	448, 572	1931	97, 159
1870	387, 203	1901	487, 918	1932	35, 576
1871	321, 350	1902	648, 743	1933	29, 668
1872	404, 806	1903	857, 046	1934	29, 470
1873	459, 803	1904	812, 870	1935	23, 946
1874	313, 339	1905	1, 026, 490	1936	36, 329
1875	227, 498	1906	1, 100, 735	1937	50, 244
1876	169, 986	1907	1, 285, 349	1938	67, 895
1877	141, 857	1908	782, 870	1939	82, 998
1878	138, 469	1909	751, 786	1940	70, 756
1879	177, 826	1910	1, 041, 570	1941	51, 776
1880	457, 257	1911	878, 587	1942	28, 781
1881	669, 431	1912	838, 172	1943	23, 725
1882	788, 992	1913	1, 197, 892	1944	28, 551
1883	603, 322	1914	1, 218, 480	1945	38, 119
1884	518, 592	1915	326, 700	1946	107, 721
1885	395, 346	1916	298, 826	1947	147, 292
1886	334, 203	1917	295, 403	1948	170, 570
1887	490, 109	1918	110, 618	1949	188, 317
1888	546, 889	1919	141, 132	1950	249, 187
1889	444, 427	1920	430, 001		

1832–15 months; 1843–9 months; 1850–15 months; 1868–6 months.

Source: Historical Statistics of United States, 1789–1945. Bureau of Census.



The record shows the recovery in immigration which began in the early 1920's and the extent to which the restrictions imposed after 1924 and the depression of the 1930's completely altered the long-time upward trend. On the average the number of immigrants coming to our shores amounted to about 1 percent of our total population. This number, more or less, depending on the level of economic activity, we absorbed in our economic stride. In line with that normal course we

should now be absorbing approximately a million and a half persons per year. Instead total immigration which had been close to zero during most of the 1930's and 1940's, rose to only 250,000 by 1950, or only about a sixth of what might be considered as normal.

The effect of this abrupt check to a long-time trend in the basic factor of our economic growth is clearly seen in the census records of our total population, particularly in the relation between the foreign-born and the native population.

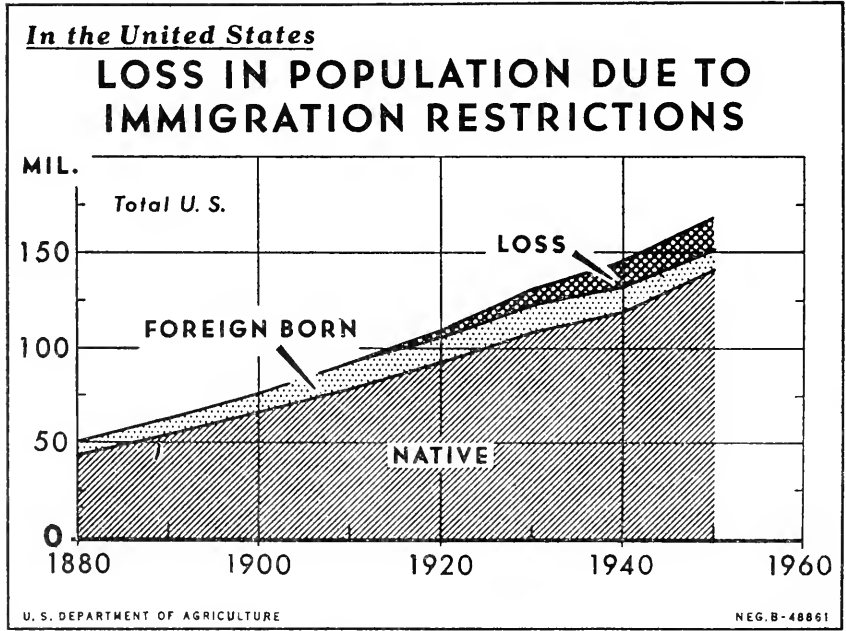
Our phenomenal economic growth up to World War I was marked by a very stable relation of foreign-born to native population, so stable that it may reasonably be used as a basis for estimating the extent of population loss due to the distortion in that balance which immigration restrictions have brought about. (See table 2 and chart below.)

TABLE 2.—Total population, native and foreign-born, and probable totals without immigration restrictions

	Total popula- tion	Foreign- born	Native	Foreign- born per- cent of total	Total per- cent of native	Estimated total ¹
	<i>Thousand</i>	<i>Thousand</i>	<i>Thousand</i>			<i>Thousand</i>
1870.....	38,558	5,567	32,991	14.4	117	-----
1880.....	50,156	6,680	43,476	13.3	115	-----
1890.....	62,622	9,250	53,372	14.8	117	-----
1900.....	75,995	10,341	65,654	13.6	116	-----
1910.....	91,972	13,516	78,456	14.7	117	-----
1920.....	105,711	13,920	91,791	13.2	115	109,936
1930.....	122,775	14,204	108,571	11.6	113	131,225
1940.....	131,669	11,595	120,074	8.8	110	144,344
1950.....	150,697	² 10,338	140,359	6.9	107	167,597

¹ 1950 total based on 1910 ratio of total to foreign-born for individual States (see table 4) and 1920, 1930, and 1940 prorated.

² 10,162 foreign-born white plus 176,000 other foreign-born in 1940.



Between 1870 and 1910 our total population rose from 38.5 millions to 92 millions. In that entire 50-year period, the foreign-born increased in proportion and constituted about 14 percent of the total, the range being from 13.3 to 14.7 percent. Since then the cumulative effect of World War I, the restrictions adopted in 1924, and the depression of the 1930's and World War II, have reduced the proportion to only 6.9 percent in 1950 and to something less than that today. If in 1950 we had had as many foreign-born as the long-time balance between the foreign-born and native population calls for, our total population would have numbered over 167 million instead of somewhat under 151 million. We would today be 11 percent stronger in manpower, in economic activity, and in international security.

The regional distribution of this loss in population is concentrated chiefly in the Northeast. (See table 3 and charts below.) The industrial area containing the New England, the Middle Atlantic, and the East North Central States would today have 11 million more persons. The industrial agricultural area containing the Pacific and Mountain States would today have 3 million more people. The agricultural West North Central region would have nearly 2 million more people. Relatively little, probably not more than 700,000, of this 17 million loss in population shows up in the region embracing the South Atlantic, East South Central, and West South Central States.

TABLE 3.—*Native and foreign-born population by regions and probable totals for 1920 to 1950 without immigration restrictions*

NORTH EAST, MIDDLE ATLANTIC, AND EAST NORTH CENTRAL REGIONS

[In thousands]

	Total	Foreign-born	Native	Total, without restriction ¹
1880.....	25, 286	4, 721	20, 565	-----
1890.....	30, 376	6, 381	23, 994	-----
1900.....	36, 348	7, 359	28, 988	-----
1910.....	43, 289	9, 708	33, 581	43, 289
1920.....	49, 897	10, 006	39, 891	52, 709
1930.....	57, 580	10, 374	47, 207	63, 204
1940.....	60, 095	8, 592	51, 504	68, 531
1950.....	65, 941	7, 343	58, 597	77, 188

SOUTH ATLANTIC, EAST SOUTH CENTRAL, AND WEST SOUTH CENTRAL REGIONS

	Total	Foreign-born	Native	Total, without restriction ¹
1880.....	10, 555	442	10, 114	-----
1890.....	13, 193	521	12, 673	-----
1900.....	16, 522	563	15, 959	-----
1910.....	20, 547	726	19, 821	20, 547
1920.....	24, 132	847	23, 285	24, 316
1930.....	28, 372	801	27, 571	28, 740
1940.....	31, 659	626	31, 033	32, 210
1950.....	36, 849	808	36, 042	37, 588

Footnote at end of table.

TABLE 3.—*Native and foreign-born population by regions and probable totals for 1920 to 1950 without immigration restrictions—Continued*

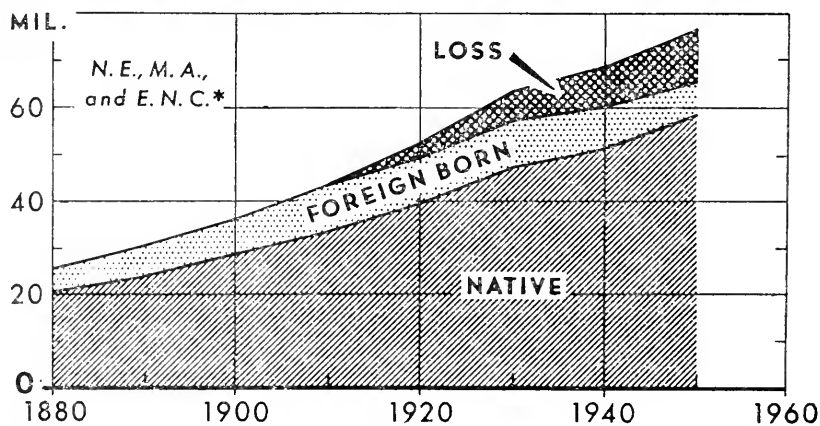
WEST NORTH CENTRAL REGION

	Total	Foreign-born	Native	Total, without restriction ¹
1880.....	5,919	999	4,950	-----
1890.....	8,660	1,547	7,113	-----
1900.....	10,066	1,531	8,534	-----
1910.....	11,352	1,613	9,738	11,352
1920.....	12,225	1,372	10,854	12,670
1930.....	12,913	1,082	11,832	13,803
1940.....	13,112	778	12,331	14,447
1950.....	13,576	563	13,014	15,357

PACIFIC AND MOUNTAIN REGIONS

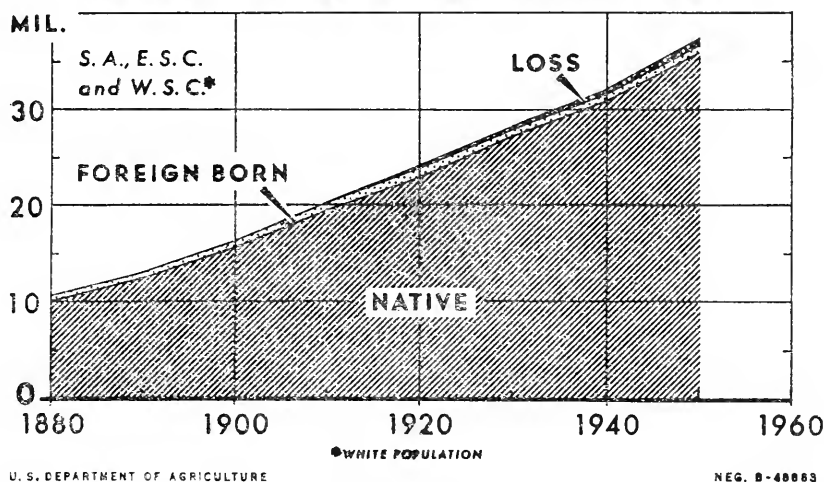
	Total	Foreign-born	Native	Total, without restriction ¹
1880.....	1,612	397	1,215	-----
1890.....	2,872	673	2,200	-----
1900.....	3,873	761	3,113	-----
1910.....	6,544	1,298	5,246	6,544
1920.....	8,567	1,487	7,099	9,335
1930.....	11,421	1,727	9,694	12,957
1940.....	13,350	1,424	11,926	15,654
1950.....	18,574	1,498	17,076	21,648

¹ 1950 total based on 1910 ratio of total to foreign-born for individual States (see table 4) and 1920, 1930, and 1940 prorated, white population only.

In the EastLOSS IN POPULATION DUE TO
IMMIGRATION RESTRICTIONS

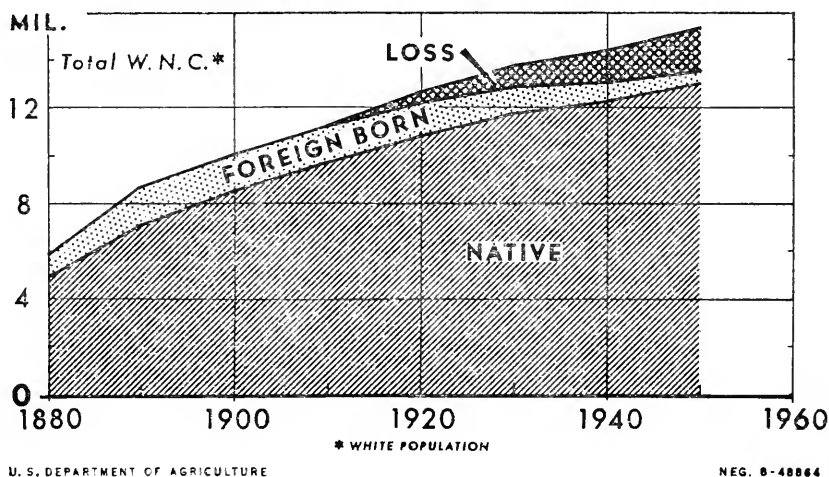
In the South

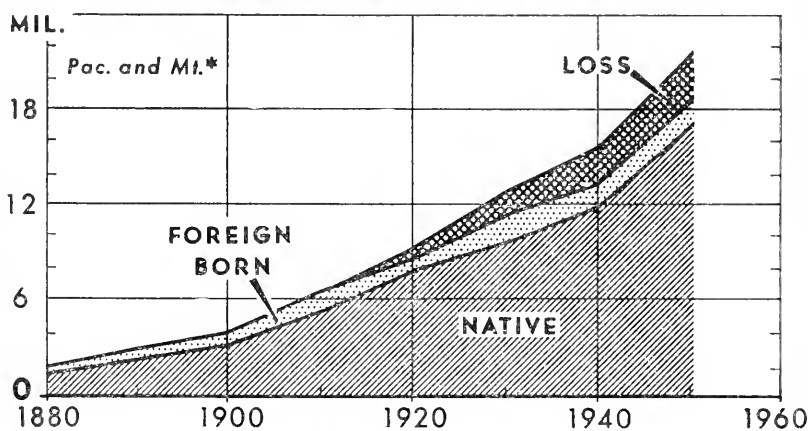
LOSS IN POPULATION DUE TO IMMIGRATION RESTRICTIONS



In the West North Central Region

LOSS IN POPULATION DUE TO IMMIGRATION RESTRICTIONS



*In the West***LOSS IN POPULATION DUE TO
IMMIGRATION RESTRICTIONS**

U. S. DEPARTMENT OF AGRICULTURE

NEG. 9-48862

Fourteen individual States would today contain 83 percent of the total potential population that we have lost through the legal and economic restrictions of the past 25 years (Pennsylvania, New York, California, Illinois, Massachusetts, Michigan, New Jersey, Minnesota, Wisconsin, Ohio, Connecticut, Washington, Iowa, and Texas). These are the States in which population would be at least a quarter of a million greater. They range from a quarter of a million in Texas and Iowa to about 2½ millions in Pennsylvania and New York:

<i>Population loss (thousands)</i>		<i>Population loss (thousands)</i>	
Pennsylvania	2,611	Connecticut	400
New York	2,469	Washington	398
California	1,687	Iowa	272
Illinois	1,243	Texas	246
Massachusetts	1,087		
Michigan	841	Total, 14 States	14,093
New Jersey	797	All other States	2,804
Minnesota	774		
Wisconsin	684	Total, United States	16,897
Ohio	584		

What this population loss is costing us in potential production and national income is quite obvious. In 1951 our national production, valued at \$329 billion would have been greater by 11 percent of \$36 billion. As a Nation of consumers we would have had \$28 billion more personal income and would probably have bought about \$21 billion more of goods and services. As wage earners, we would have received \$19 billion more in our pay envelopes, and as farmers, we would have received \$3½ billion more from the sale of farm products, in our domestic markets.

The income going to individuals that the various States are losing annually as a result of not having the additional potential population

is, of course, also concentrated in the Northeast. In this region the total loss comes to over \$20 billion, or 70 percent of the total. The Pacific and Mountain States are losing 5.5 billion or nearly 20 percent of the total and the West North Central States most of the balance.

In the following 17 States the income losses range from more than a quarter of a billion dollars per year to nearly 5 billion. Those at the top of the list are: New York, Pennsylvania, California, Illinois, and Massachusetts, with losses of about 2 to 5 billions per year, and those at the lower end of the selected 17 States with a loss of a quarter to a third of a billion dollars are: Colorado, Missouri, Oregon, and Texas:

Losses in income in 1951 due to immigration restrictions

[Billions of dollars]

New York	4.9	Iowa	0.4
Pennsylvania	4.3	Rhode Island	.4
California	3.3	Texas	.3
Illinois	2.4	Oregon	.3
Massachusetts	1.9	Missouri	.3
New Jersey	1.5	Colorado	.3
Minnesota	1.1		
Wisconsin	1.1	Total 17 States	25.0
Ohio	1.0	Total, all other States	4.4
Connecticut	.8		
Washington	.7	Total United States	29.4

The failure to maintain our population growth at the potential level also has a specific meaning in terms of opportunities for private enterprise. Ever since we have become a predominantly industrial nation, particularly since 1900, the number of business firms in operation has increased slightly faster than our total population. For every 1,000 persons in the population of 1890, our economy provided opportunities for 24.6 active business firms. By 1929 we needed 25.5 business firms per 1,000 of population, and by 1949 the number had risen to 26.6. If our population had been permitted to attain its potential of 168 million in 1950, we would in that year have had another 400,000 to 500,000 firms, big and little, in addition to the 4 million in operation. This would probably have included about 33,000 more manufacturing establishments, 40,000 construction firms, 23,000 more firms engaged in wholesale trade, nearly 40,000 more firms in finance, insurance, and real-estate operations, about 95,000 additional service industries, and 180,000 more firms engaged in retail trade.

At this point I might suggest what this would have meant for the agricultural economy. I didn't develop that point, but some of the obvious inferences are these: In the case of cotton, our domestic consumption would probably be a million bales greater than it is, which would involve an outlet for an additional 2½ million acres. We would be consuming perhaps 80 million bushels more of wheat, the product of something like 8 million acres. We would be consuming perhaps 350 million more bushels of corn, the product of about 8 million acres. We could carry maybe 9 or 10 million more cattle on our farms in addition to those that are now there.

Another way of presenting the meaning of this 10 or 11 percent additional market for farm products would be to say that that is practically the equivalent of our total export market. We are deal-

ing here with the potential consumption of the products of, say, around 40 million acres, and that is approximately what our export market amounts to.

These are merely some of the obvious ways of demonstrating the economic significance of our failure to attain our population potential. Many more illustrations could be developed, but I assume they are not needed, for the conclusion is obvious. What is clearly called for, for a country blessed with our abundance of physical resources and enterprise opportunities, is a restoration of an annual flow of immigration closer to the historical norm that helped bring about our national growth to wealth and power.

TABLE 4.—*Loss of population and income by States in 1951 due to immigration restrictions*

States	Population 1950 ¹		Population loss	Per capita income, 1951	Loss in income
	Actual	Estimated			
Northeastern:	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>		<i>Thousands</i>
Maine.....	911	983	72	\$1, 298	\$93, 456
New Hampshire.....	532	612	80	1, 441	115, 520
Vermont.....	377	406	29	1, 322	38, 338
Massachusetts.....	1, 611	5, 698	1, 087	1, 738	1, 889, 206
Rhode Island.....	770	988	218	1, 691	368, 638
Connecticut.....	1, 952	2, 361	409	1, 999	817, 591
Total, Northeastern.....	9, 153	11, 048	1, 895		3, 322, 749
North Atlantic:					
New York.....	13, 872	16, 311	2, 469	1, 996	4, 928, 124
New Jersey.....	4, 511	5, 308	797	1, 885	1, 502, 345
Pennsylvania.....	9, 854	12, 465	2, 611	1, 663	4, 342, 093
Total, North Atlantic.....	28, 237	34, 114	5, 877		10, 772, 562
East North Central:					
Ohio.....	7, 428	8, 012	584	1, 799	1, 050, 616
Indiana.....	3, 758	3, 892	134	1, 619	220, 666
Illinois.....	8, 046	9, 289	1, 243	1, 828	2, 396, 504
Michigan.....	5, 918	6, 759	841	1, 734	1, 458, 294
Wisconsin.....	3, 392	4, 076	684	1, 614	1, 103, 976
Total, East North Central.....	28, 542	32, 028	3, 486		6, 230, 356
West North Central:					
Minnesota.....	2, 954	3, 728	774	1, 474	1, 140, 876
Iowa.....	2, 600	2, 872	272	1, 531	416, 432
Missouri.....	3, 656	3, 845	189	1, 519	287, 091
North Dakota.....	608	770	162	1, 403	227, 286
South Dakota.....	628	727	99	1, 529	151, 371
Nebraska.....	1, 301	1, 462	161	1, 510	243, 110
Kansas.....	1, 829	1, 953	124	1, 460	181, 040
Total, West North Central.....	13, 576	15, 357	1, 781		2, 647, 306
South Atlantic:					
Delaware.....	274	290	16	2, 076	33, 216
Maryland.....	1, 955	2, 099	144	1, 714	246, 816
District of Columbia.....	518	533	15	2, 005	31, 425
Virginia.....	2, 582	2, 595	13	1, 295	16, 835
West Virginia.....	1, 890	1, 960	70	1, 174	82, 180
North Carolina.....	2, 983	2, 979		1, 052	
South Carolina.....	1, 293	1, 297	4	1, 003	4, 012
Georgia.....	2, 380	2, 390	10	1, 193	11, 030
Florida.....	2, 166	2, 211	45	1, 284	57, 780
Total, South Atlantic.....	16, 041	16, 336	317		483, 294
East South Central:					
Kentucky.....	2, 742	3, 780	38	1, 066	40, 503
Tennessee.....	2, 760	2, 775	15	1, 064	15, 960
Alabama.....	2, 079	2, 097	18	950	17, 100
Mississippi.....	1, 188	1, 191	6	771	4, 625
Total, East South Central.....	8, 769	8, 846	77		78, 191

Footnote at end of table.

TABLE 4.—*Loss of population and income by States in 1951 due to immigration restrictions—Continued*

States	Population 1950 ¹		Popula- tion loss	Per capita income, 1951	Loss in income
	Actual	Estimated			
	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>		<i>Thousands</i>
West South Central:					
Arkansas.....	1,481	1,494	13	\$926	12,038
Louisiana.....	1,796	1,870	74	1,135	83,990
Oklahoma.....	2,032	2,070	38	1,182	41,916
Texas.....	6,726	6,972	246	1,412	347,352
Total, West South Central.....	12,035	12,406	371	-----	488,296
Mountain:					
Montana.....	572	709	137	1,742	238,654
Idaho.....	581	643	62	1,356	84,072
Wyoming.....	284	335	51	1,722	87,822
Colorado.....	1,297	1,476	179	1,568	280,672
New Mexico.....	630	673	43	1,301	55,945
Arizona.....	654	838	184	1,432	265,488
Utah.....	677	782	105	1,424	14,952
Nevada.....	150	184	34	2,029	68,986
Total, Mountain.....	4,845	5,640	795	-----	1,094,589
Pacific:					
Washington.....	2,316	2,714	398	1,755	698,490
Oregon.....	1,497	1,712	215	1,652	355,180
California.....	9,915	11,582	1,687	1,933	3,260,971
Total, Pacific.....	13,728	16,008	2,300	-----	4,314,641

¹ Estimates of population without restrictions based on 1910 proportion of foreign-born to native white population.

The CHAIRMAN. Thank you very much, Mr. Bean.

Commissioner PICKETT. I am not quite clear there about the assumption being that manpower is the only factor involved in increasing our output. That would be true, I suppose, if we had limitless land and limitless capital. Do you have any comment on that?

Mr. BEAN. My impression is, Dr. Pickett, that there is land that has not yet been brought into cultivation; and while there are different views as to the limits to which our agricultural land may be expanded, I think within that wide range of difference there is room for a great deal more expansion than we have had. So that for the next 10 or 20 years—and this is not an official view because you can get an official view from those who are more closely related to these problems—my personal view is that land is not a limiting factor, and doesn't need to be if it is. You can get all kinds of views from the soil-conservation experts as to the extent to which we can open up land that is not now being used for production, land which perhaps is deteriorating and ought to be put into production.

Mr. ROSENFELD. Mr. Bean, on that point, Mr. Hutchison's own testimony, just prior to you, indicated—I am reading from the chart called the Farm Output Picture, which is the fourth chart:

If it were urgently needed, American agriculture could increase its total output by around one-fifth within about 5 years, provided there were favorable cost-price relationships during the 5-year period, as well as availability and use of greatly increased quantities of fertilizer, machinery, and other production goods.

So that even on existing land, presumably, is there not some problem of meeting the need that you have in mind?

Mr. BEAN. The only point that this material permits making is that the potentialities for expansion are here; that there is no reason that

I can see, looking at the economy statistically, why there should have been that abrupt chopping off of immigration in 1924. Looking at the economy just through these figures, I take it as a very arbitrary action without any regard whatever to the basic question that you raise this morning.

MR. ROSENFELD. Mr. Bean, I wonder if I may ask one or two questions. You say at the very start of your statement that if the restrictions to which you have called attention had not been put into effect the country would have had \$30 billion more of national income. You say, "We would today have 16 to 17 million more people in this country, or 11 percent more persons in the labor force producing at least \$25 billion more of national output," and so forth.

MR. BEAN. If we had the total population that we should have had in 1950.

MR. ROSENFELD. Is it fair, then, to say that the restrictions on immigration which prevented this 11-percent increase in labor force have deprived the country of \$30 billion of national income?

MR. BEAN. I think it is fair to say that all the restrictions, legal and economic—and by that I mean the effect of depression and the effect of war, plus the effect of the laws put on our books—have combined to give us a smaller population than we would have had; and from that I think the inference is clear that with a larger population, with our resources abundant, and having full employment, all these consequences naturally follow.

MR. ROSENFELD. Let me pursue that a little further. That doesn't mean that these 30 billion dollars would have gone to the additional force of people. You mean 30 billion dollars in large part that the people already here would have had but were deprived of; is that correct? Would these 30 billion dollars have gone to the increment of population or would they have gone to the existing population?

MR. BEAN. Largely, since this is a statistical operation, it is the additional income that additional people would represent. Now, the interplay of more people getting more income and their effects upon the people who are already here is somewhat complex, but all I could do for this purpose is to indicate what is the economic equivalent of 17 million people for the country as a whole and for the different regions.

MR. ROSENFELD. One further question, Mr. Bean. You have mentioned that had this additional population been here, we would have consumed domestically a million more bales of cotton. Figures that have been made available to the Commission show that since 1933, with the inception of the Commodity Credit Corporation, loans have been made for cotton to the extent of about $3\frac{1}{2}$ billion dollars. Presumably that is in part because of cotton surpluses that couldn't be used in the normal course of sales and had to be bought up. Would you have any general estimate as to how much less than $3\frac{1}{2}$ billion dollars it would have cost the American taxpayer if we could have had this additional outlet for cotton?

MR. BEAN. No. I have no way of measuring that; but, if you want a very rough suggestion, this 10 or 11 percent that I have pointed to is, of course, the cumulative effect up to 1950. These operations cover the entire period from 1933 to date, I take it. So, if the central point of this period is around 1940 instead of 1950, then you might assume that not a 10-percent difference would be involved but, say, a 5- or 6- or

7-percent difference, and that would be my first order of approximation, in answer to your question. Instead of $3\frac{1}{2}$ billion dollars, it might have cost us 6 or 7 percent less than that.

Mr. ROSENFELD. And would the same general approximation apply to wheat and corn and cattle?

The CHAIRMAN. These loans don't represent losses. Mr. Rosenfield said "loans," but then he asked you whether, if we had had the additional population, it would have decreased the cost to the American people, which might be assuming the loans were not repaid.

Mr. BEAN. In the case of cotton, actually, I think, the bulk of the operations turned out to be profitable. I think all I could say with regard to this type of question is that, if a shortage of demand was part of the difficulty, then additional consumers would have alleviated part of that difficulty.

The CHAIRMAN. Of course, we might have had more loans because you would have had a larger cotton crop, and to carry it temporarily you might have had to finance it some way.

Commissioner O'GRADY. I wonder, Mr. Bean, in light of your thinking, how you would explain the thinking of some American economists from 1920 to 1929—and even carried back a little bit earlier, from 1910—who voiced the opinion that we were getting more people than could be absorbed into the economy.

Mr. BEAN. I have dabbled in the field of economics, and I have found it difficult many times to explain the thinking of economists. Just as a broad answer to the general question, I think economists, like businessmen and politicians and others, tend to fall into some easy generalizations, and it was common to say that, if you increase the supply of labor, obviously you must reduce its price or its value. And I wonder if economists in those days were able to do anything more than to fall back on that very simple generalization.

I don't think there was any statistical evidence in the 1920's, for example, that we were beginning to be bothered tremendously by technological unemployment. The records now don't show it, although I seem to remember that economists and others were greatly disturbed about it. Now, there may have been some technological unemployment problems in particular industries, but it certainly was not a national difficulty.

Commissioner O'GRADY. I have heard economists express the opinion that the United States could absorb an additional 1 percent to the labor force at the present time. In view of your observations, that would appear to be a rather cautious attitude. How do you explain that?

Mr. BEAN. Well, it is the business of economists to proceed cautiously, but may I point out where their caution lies. If you recall that first chart where we saw the great decline in immigration almost to a zero level in the 1930's, and now up to a level only one-sixth of what I estimate to be normal, it seems to me you have to bear in mind that from that standpoint there is an accumulated shortage, and to increase our labor force by a mere 1 percent doesn't begin to close the gap between the present level of immigration and what I would call the potentially desirable level of immigration. Historically, it is true that we have added to our labor force approximately 1 percent, because this record indicates that immigration has amounted to about 1 percent of the total population, and presumably approximately

that percentage of the labor force. But I am impressed by the fact that for a number of years now we have created what I call here a loss or a potential loss in population and manpower. If we were undertaking to raise our population to where I think it should have been, statistically speaking, say up to 168 million instead of 151 million, then you have to add more than a mere 1 percent to the labor force. Whether that can be done instantaneously is another problem. But the economists who are cautious, I think, are cautious because they are concerned with what might happen if you increase the present numbers. They have not, I believe, dealt with this question of what is the upper limit of that policy.

The CHAIRMAN. Thank you very much, Mr. Bean. We appreciate your presenting your statement and your charts.

Mr. Goodwin, you are the next witness.

STATEMENT OF ROBERT GOODWIN, DIRECTOR, BUREAU OF EMPLOYMENT SECURITY, DEPARTMENT OF LABOR, REPRESENTING HON. MAURICE J. TOBIN, SECRETARY OF LABOR OF THE UNITED STATES

Mr. GOODWIN. My name is Robert C. Goodwin; I am Director of the Bureau of Employment Security.

Mr. Chairman and members of the Commission, the Secretary of Labor, Maurice Tobin, was sorry he couldn't be here this morning to testify in person on what he considers to be a very important subject. He has asked me to present for him his statement on this matter; so, I would like to read his statement. At the conclusion of that, if there are any questions, particularly in the area of manpower, I will be glad to try to answer them.

The CHAIRMAN. We shall be pleased to hear the Secretary's statement.

Mr. GOODWIN (reading Secretary Tobin's statement). Mr. Chairman and members of the President's Commission on Immigration and Naturalization, I wish at the outset to express my appreciation for this opportunity to present the views of the Department on the very important question of what our national immigration policy should be.

In formulating an immigration policy there are a number of considerations which must be borne in mind. One of the first considerations I would like to emphasize is the necessity for insuring that immigration does not displace American workers from employment and does not adversely affect their wages and other working conditions. To the same extent we must insure that immigration is not used as a means of exploiting those who come into the country for employment. The capacity of the country, from the standpoint of available economic opportunities, natural resources, and geographical area, to absorb additional population of course must govern. A major consideration should be our manpower needs and the contribution that immigration can make toward satisfying these needs. Because of our historical humanitarian tradition and particularly in view of our position of world leadership, we must not lose sight of the need of persons abroad to migrate because of political and religious persecution or because of surplus populations which threaten economic and political stability in countries vulnerable to communism.

By the same token I want to state emphatically that we cannot lose sight of the dangers of Communist infiltration as a threat to our national life. We must take firm and effective measures to prevent the entry into our land of Communists and others who would undermine our institutions and our democratic system of Government.

Qualities or circumstances for which we should look in admitting persons to this country for permanent residence are those of health, mentality, morality, occupational skills, financial responsibility, family ties in this country, and devotion to ideals similar to ours. These certainly should be framed in terms of standards and should govern the admission and exclusion of aliens.

You will note that these considerations do not include the invidious ones of race, color, religion, or the national origin of prospective immigrants. Such considerations have no place in an American immigration policy of this day, and they should be eliminated from our immigration policy and laws.

The present national-origin quota system was enacted into law in 1924. It was frankly designed, among other things, to restrict immigration from countries in eastern and southern Europe on the ground that persons from those countries were not suitable for assimilation into the life of this country as those from England, Ireland, or Germany. The clear implications of the national-origin quota system are that persons of certain national backgrounds are physically, mentally, or morally superior to those of other national backgrounds.

After 28 years, it is time that we discarded this concept, which never had any scientific or other logical basis. It has been a national policy of many years' standing to eliminate as rapidly as possible discrimination in all areas based on race, color, religion, or national origin. In the 28 years since the national-origin quota system was enacted we have made much progress in the elimination of such discriminations in housing, education, employment, and military service. It is high time that these discriminations were also eliminated from our immigration policy.

Of course, there has to be a numerical limitation on the number of persons who can be admitted for permanent residence each year. That limitation, however, should be based on our needs and our capacity to absorb additional population. Since these concepts are subject to fluctuation, the overall numerical limitation should not be static; provision should be made for flexibility. It may be desirable, for example, for the Congress to provide a minimum and a maximum figure and to authorize the President periodically to establish a quota in between those figures or for the Congress to provide a periodic review of a maximum fixed in the law. Perhaps a joint congressional committee would be useful in making such a review. Such flexibility would, among other things, enable us to take into consideration emergency needs for migration and to meet them within the framework of our permanent immigration statutes without the enactment of temporary emergency legislation such as the Displaced Persons Act, and the proposed "Special Migration Act."

I realize that the Commission would like to have from the Department of Labor an expression of its opinion as to the number of immigrants which the country can absorb each year. While we are not prepared to state a maximum in precise numbers, there is no doubt

that assuming a continuation of present economic conditions we could safely absorb substantially more than the 155,000 quota immigrants that are authorized by Public Law 414, which will become effective in December of this year. The peak immigration in recent years was approximately 250,000 in 1950. I am not aware that it caused any economic or social dislocations or that American workers were adversely affected.

Any estimate, of course, depends upon the past and expected developments in our population and labor force. Mr. Ewan Clague, Commissioner of Labor Statistics for the Department, will give in greater detail a statistical presentation of these developments. As an over-all conclusion, I would say that the future holds for us a continuing fairly tight situation, so far as manpower resources are concerned, and that we may safely gage our immigration policies accordingly. Of course, any figure arrived at would be subject to ready revision under provisions for flexibility which I have recommended.

An immigration policy such as we have in mind would, as I have indicated at the outset, provide for preferences on a reasonable basis. One would be on the basis of qualifications or skills which are needed in this country. In this respect we could call upon our experience under the Displaced Persons Act of 1948, which granted preferences to persons possessing special educational, scientific, technical, professional, or other occupational skills or qualifications needed in the localities of the United States in which the persons to be admitted proposed to reside. It should be borne in mind, however, that many of the skills we need are becoming increasingly short in other parts of the world. We would not want to weaken the defense programs of our allies. More emphasis, therefore, should be placed on admitting persons capable of being trained.

To assist in carrying out such provisions, we have a fully functioning Nation-wide public employment service, which incidentally we did not have when the Immigration Act of 1924 was enacted. The public employment offices have extensive information as to the employment conditions and manpower needs in the areas which they serve. Means should be provided for making the facilities of the United States Employment Service available to prospective immigrants on an organized basis.

One aspect of Public Law 414 deserves special mention. The law repeals the contract-labor provisions of the expiring law and will substitute for them, first, a provision for giving preference in the allocation of quota numbers to the extent of 50 percent of the quota for each area to immigrants whose services are determined by the Attorney General to be needed because of their education, training, experience, or ability, and, secondly, a provision permitting the admission of non-preference-quota immigrants and nonquota immigrants for the purpose of performing skilled or unskilled labor unless the Secretary of Labor has determined and certified that—

(A) sufficient workers in the United States who are able, willing, and qualified are available at the time (of application for a visa and for admission to the United States) and place (to which the alien is destined) to perform such skilled or unskilled labor, or

(B) the employment of such aliens will adversely affect the wages and working conditions of the workers in the United States similarly employed.

Difficulties have arisen in attempting to devise procedures by which the Secretary of Labor can carry out his responsibilities to prevent the immigration of workers for settlement in areas in which there are "sufficient workers" and whose employment would "adversely affect the wages and working conditions of workers in the United States similarly employed."

The expiring law excluded contract labor from entry for permanent residence with exceptions for certain occupations and with further authority conferred to permit entry of skilled workers under conditions established by the Attorney General. This system has given us a real measure of control over entry and placed us in a position to prevent, in advance, unwarranted entry. Public Law 414, however, reverses this procedure so as to admit all who are otherwise qualified unless exclusionary action is taken by the Secretary. This reversal creates numerous administrative problems. The red tape involved in measuring sufficiency of domestic workers and the adverse effect of entry of foreign workers may mean that they will have been permitted to enter before any effective determination can be made that they should have been excluded.

Because Public Law 414 has not yet become effective, the exact scope of the problems created by the new approach of this law cannot be anticipated. Nevertheless we are concerned about and are watching closely one area of possible nonquota immigration of woods workers from Canada who, after entry for permanent residence and needed work in the woods, might move to other work in other areas where surplus labor presently exists. We are, of course, planning appropriate consultation and action to head off this possible problem. I am just citing this as an example of what we will be faced with on a recurring basis under Public Law 414. I am very much afraid that in one situation or another this provision of the law may put us in a position of acting too late to prevent unwarranted and economically harmful entry of foreign workers.

With the elimination of the national origin quotas the problem would, of course, become more acute. For these reasons I think it would be wise, in any event, to reenact, with some revisions, the present prohibition against the admission of contract laborers, which Public Law 414 eliminates. These revisions should include provision for the type of employment assistance which the various religious and charitable agencies have been giving to immigrants under the displaced-persons program. Provision should be made also for permitting employers to obtain skilled and unskilled workers from abroad when it has been determined by the Department of Labor that such workers are not available within the United States as is done at present only with respect to skilled workers under the so-called fourth proviso of the expiring law.

As another step toward giving effect to the all-important need for insuring adequate protection for American workers, the Commission should consider and I recommend the return of the Immigration and Naturalization Service to the Department of Labor.

As you know, the Immigration and Naturalization Service was in the Department of Labor and its predecessor agencies from the time of the inception of the Service until 1940, when it was transferred to the Department of Justice. This historical association of the Immigration and Naturalization Service with the administra-

tion of economic and labor supply programs in the Department of Labor was no accident. With almost 10 million immigrants entering the country between 1900 and 1910 immigration was a major factor in the American labor supply. The Division of Information of the Bureau of Immigration, set up to disseminate information to immigrants of the employment opportunities available in the different parts of the country, was the nucleus from which grew a general placement service and, eventually, the United States Employment Service.

Recent considerations of immigration policies and administration have been most concerned with regulation and control. These are important aspects but they should be viewed in the light of present economic and political conditions. Our immigration policy should be developed with out ability to absorb additional population and the manpower need of an expanding economy, as principal considerations. It is in these areas that the Department of Labor can make its greatest contribution to the administration and development of immigration policies. In the Department of Labor the Immigration and Naturalization Service would have the benefit of day-to-day contacts with the United States Employment Service with its current labor-market information and its knowledge of the manpower needs of the country, with the Bureau of Labor Statistics with its statistics relating to economic conditions, and with other bureaus of the Department, each of which could make a distinctive contribution to the formulation of an enlightened immigration policy.

In addition to its retention of the discriminatory national origin quota system, Public Law 414 has several provisions which fail to provide fairness to those who have become naturalized citizens or are being excluded or deported. The Commission has already heard much testimony on these shortcomings of the act. I recommend action to remedy these defects wherever they occur.

In the event that there is delay in the development of a comprehensive revision of the immigration laws, the Department of Labor recommends, as a short-term measure, the enactment of emergency legislation to meet the problems created by surplus population in certain European countries and by the continued influx of political refugees from behind the iron curtain into Western Europe. Favorable consideration should be given to the Celler and Hendrickson bills (H. R. 7376 and S. 3109) to authorize the issuance of 300,000 special nonquota immigration visas over a 3-year period to political and religious refugees from communism, to persons of German ethnic origin, and to natives of Italy, Greece, and the Netherlands. The economic and political problems created by surplus population and by the presence of political refugees in Western Europe are serious. We must participate in their solution both as a matter of our self-interest and as an exercise of the moral leadership which is expected of us.

It is quite clear at this point that Western Europe has a substantial surplus population available for immigration, of a magnitude that cannot be dissipated by immigration to the United States alone. This surplus has been estimated at from three to four million persons. Spontaneous migration from Western Europe is of the magnitude of 220,000 a year, which is not sufficient to offset the annual growth of surplus, let alone to contribute to its removal.

The task of alleviating the problem of Western Europe's overpopulation is a task not alone for the United States, but for the entire

free world. The stakes involved for us are the same stakes for which the entire community of free nations is striving. Over and above what we ourselves do to admit immigrants there is an additional contribution that can be made by governments working together. With persistence and imagination, and with some resources, new avenues of immigration can be opened to a great number of other areas of the world—especially those areas that are now underdeveloped, and whose full development cannot proceed satisfactorily.

This is a problem which the International Labor Organization and the other agencies of the United Nations have dealt with in the past few years. In part, it is the problem to which nations on both sides of the Atlantic have addressed themselves in the Provisional Intergovernmental Committee for the Movement of Migrants from Europe. It has become increasingly clear that a major international effort, of the kind which can be best done through the facilities of the United Nations, is needed.

Mr. GOODWIN. I would like to say at this point, Mr. Chairman and members of the Commission, that if you would like we would be glad to submit a supplemental memorandum giving additional information on the international implications of this on the point I have just made.

The CHAIRMAN. We would like to have it, Mr. Goodwin.

Mr. GOODWIN. We would be very glad to submit it.

Mr. GOODWIN (continuing with Secretary Tobin's statement). In conclusion, I wish to summarize the principle which should govern a revision of our immigration laws. First, we must leave behind the national origins quota system as a thing of the past and a method of unfair discrimination. Second, we must look squarely at the labor needs of our country. Within a framework of over-all quota limitations, we should admit or exclude applicants for entry in accordance with reasonable objective standards which assure that those who enter are qualified for citizenship. At the same time, some provision should be made for giving effect to particular foreign policies through permitting immigration. Finally I want to emphasize the imperative necessity of barring from entry any individuals such as Communists, who would undermine our society and institutions.

An immigration program based upon these principles would be fair to our own citizens and to the citizens of other countries. At the same time I believe that such a program would be administratively feasible.

The CHAIRMAN. Thank you, Mr. Goodwin. Do you know whether Mr. Clague, in his testimony, is going to cover the question as to the additional amount of immigration that may be needed in industrial occupations throughout the country?

Mr. GOODWIN. Yes, sir; his testimony will cover that.

Commissioner O'GRADY. With respect to section 203 (a) providing that 50 percent of the quota of each quota area shall be made available to skilled immigrants, whose services are found by the Attorney General to be needed urgently in the United States, I am somewhat puzzled about what you say, Mr. Goodwin, about the authority of your Department in its relationship to the authority of the Attorney General to pass on those applications for admission. Are you saying that the Secretary of Labor has authority to prevent the admission of

that 50 percent determined by the Attorney General to be needed under section 203?

Mr. GOODWIN. Well, the only authority we have of that kind is a delegated one by the Attorney General in terms of a certification from the Department of Labor as to the existence of our own domestic workers.

Commissioner O'GRADY. But does the Secretary of Labor have any jurisdiction over this 50 percent of skilled immigrants under section 203 if the Attorney General does not see fit to ask his advice as to their need?

Mr. GOODWIN. Well, as far as that group is concerned, I believe that is right. Over and above the 50 percent, there is 25 percent that has no limitation on it, and then there are those from the countries of the Western Hemisphere, nonquota group, where we have the same problem. That is the kind of problem I referred to that exists with the Canadian woods workers and might present itself in terms of some of the other countries in the Western Hemisphere.

Commissioner O'GRADY. Can you tell us how this would be administered as a matter of practice?

Mr. GOODWIN. There are theoretically ways that it can be done, and we have explored those with the Department of Justice. They have said that the load on them would be greater than they could handle, at least with present resources, and they have indicated that they consider them administratively infeasible.

Commissioner O'GRADY. From the standpoint of the Attorney General, how do you think this can be administered?

Mr. GOODWIN. When they get the individual application and find out where that person intends to go in this country and what kind of work he intends to enter or what the relationship is that he may have worked out with the employer—when they get all that information, then the way the law is written, about the only way you can check on those items is to check with us individually on that person, and it is on that basis that Justice has said that they couldn't handle the load.

The CHAIRMAN. Thank you very much, Mr. Goodwin. The record will be kept open at this point for the insertion of the supplemental memorandum dealing with the international implications of Western Europe's overpopulation, which you have offered to furnish us.

(The supplemental memorandum follows:)

SUPPLEMENTARY STATEMENT OF THE DEPARTMENT OF LABOR STAFF ON INTERNATIONAL EFFORTS TO DEAL WITH THE PROBLEMS OF SURPLUS POPULATION IN WESTERN EUROPE

It is quite clear at this point that Western Europe has a substantial surplus population available for emigration, of a magnitude that cannot be dissipated by emigration to the United States alone. This surplus has been estimated at from three to four million persons. All recent estimates of the situation—those made by the Director-General of the International Labor Organization in connection with the consideration of the problem at the ILO's Naples Migration Conference in 1951, by the Secretary General of the United Nations in his report to the Economic and Social Council of the U. N. in 1951, and by the Director of PICMME in his report to the recently concluded session of that organization—agree on these figures. These estimates are confirmed by our own information from United States missions abroad.

Spontaneous migration from Western Europe is of the magnitude of 220,000 a year, which is not sufficient to offset the annual growth of surplus, let alone to contribute to its removal.

The task of alleviating the problem of Western Europe's overpopulation is a task not alone for the United States, but for the entire free world. The stakes involved for us are the same stakes for which the entire community of free nations is striving. Over and above what we ourselves do to admit immigrants there is an additional contribution that can be made by governments working together. With persistence and imagination, and with some resources, new avenues of immigration can be opened to a great number of other areas of the world—especially those areas that are now underdeveloped, and whose full development cannot proceed satisfactorily unless their lack of trained manpower is overcome.

The present problem of Western European surplus largely involves an entirely different kind of problem than is involved in either present spontaneous immigration or the refugee migration of the recent past. Unlike the refugees, the European surplus is a citizen surplus. The people involved have status, rights, benefits to their credit under national social security systems. Unlike refugees, they have responsibilities of citizenship in their countries, and their countries have obligations toward them as citizens. A basic problem, in addition to the provision of immigration opportunity, is that of inducing the worker to pull up deep roots and go to another land to live. This would not be much of a problem if the United States were a land of unlimited immigration possibilities. But this is not the case, and potential migrants to other lands, particularly the underdeveloped countries of the world, want some assurance that there will be reasonable opportunities for employment when they arrive, and either some transference of the rights they have acquired at home or an outlook for the future in the new land that will warrant abandoning those rights at home. A part of the surplus problem is the problem of refugees from behind the iron curtain. While some of these persons are now stateless refugees in a sense similar to the statelessness of the wartime refugees, the great bulk are Germans who have fled from East Germany to West Germany and have status within the German citizenry.

This problem of surplus population in Western Europe is one to which the ILO and the other agencies of the United Nations have addressed themselves in the last few years. In part, it is the problem to which nations on both sides of the Atlantic have addressed themselves in the Provisional Intergovernmental Committee for the Movement of Migrants from Europe. It has become increasingly clear that a major international effort, of the kind which can be best done through the facilities of the United Nations, is needed.

The ILO, the FAO, the WHO, and UNESCO have, in their technical-assistance programs, given high priority to the promotion of migration and have shaped specific programs to this end. Leadership among U. N. agencies has been assumed by the ILO, whose role in this respect is based on official U. N. administrative action. PICMME has concentrated on the problem of transport, and the IBRD on the problem of financing migration in connection with economic development.

The ILO, for example, with funds contributed by the Organization for European Economic Cooperation (OEEC), an organization of the European nations receiving Marshall plan aid, has undertaken several projects basic to the facilitation of migration such as, for example, the major task of developing international comparability of occupational classification through an instrument like our own Dictionary of Occupational Titles that helps to coordinate occupational selection and placement work among nations. This task is basic to a sound international migration program. Its achievement is truly a landmark, and should do much to facilitate the international recruitment of the skills that are desired.

The ILO has sent technical missions to several countries, including a number in Latin America, with the specific objective of opening up new immigration sources. The recent report of the ILO's special representative to Brazil, presented in conjunction with the development of a legislative program within Brazil, is an outstanding example of a promising technical-assistance venture.

The activity of the ILO began as long ago as 1920, when the organization set up a committee to study and develop measures to protect migrant workers. The standards which have since been developed, at various times, are the basic world standards.

After World War II the ILO intensified its work in migration, and finally developed a major program that was presented at the 1951 Migration Conference held in Naples. The Naples Conference did not adopt the proposals of the ILO. At the time, United States concern, as expressed by the United States delegate to the Naples Conference, and as evidenced by United States congressional action, was concentrated exclusively upon the preservation of transportation facilities

about to be surrendered by the IRO. The United States Government indicated that it was not prepared to embark upon longer-range and more far-reaching proposals for other international steps to aid migration, such as financial or other assistance in the development of national immigration plans.

The FAO has been engaged in the development of land-settlement schemes which might afford an outlet for migrants. The WHO has, together with ILO, been working on the question of the medical standards which might be used in connection with migration administration programs. UNESCO has developed programs for language training of migrants.

PICMME has provided transportation facilities for the movement of migrants under existing governmental plans for movement, where the provision or financing of transportation facilities has been an obstacle. At recent PICMME meetings there has been a considerable expression of interest by other governments, particularly those of the underdeveloped countries, in the development of an international migration program that goes beyond the furnishing of transportation.

The questions (*a*) of further development of the substance of an international migration program, and (*b*) determination of the most appropriate international mechanism for carrying out such a program will be important issues before the United States Government in the period ahead.

Each of the agencies concerned with migration problems has found that its programs will help to facilitate the movement of migrants and even to get some movement started. But it has been quite clear that any major additional movement of migrants, in numbers sufficient to meet the needs of the situation, would require substantially new financial outlays, broader application of technical assistance techniques, and a major new effort directed at mastering the development of new immigration opportunities in the receiving countries, as well as discovering and, if necessary, helping to finance the utilization of existing migration opportunities.

It is clear that this effort cannot be the financing of migration per se, but that it must be tied intimately to the financing of general economic development. It is also clear that, if proper technical attention is given to the matter, many developmental situations in the world that are now under way or seeking financing can become substantial areas for the absorption of migrants, and that new in-migrant blood and skills can make major contributions to these efforts. The reports of technicians that have come to our attention indicate that this is the case in situation after situation.

The International Bank for Reconstruction and Development, as well as the United States Export-Import Bank, have indicated their willingness to consider the financing of migration costs in connection with economic development programs. In one major case, that of Australia, a major bank loan was predicated on the contribution that a developmental and in-migration program could make to the Australian economy. Additional positive steps are needed, in connection with these banking operations and in connection with our own point 4 activity, to insure that maximum advantage is taken of hitherto-neglected opportunities to promote migration in connection with all United States financial expenditures in the underdeveloped areas.

The files of United States Government agencies, for example, will show a number of specific programs for development of economically sound migration projects in Latin America that have failed to come to fruition solely because of inadequate technical preparation and lack of financing.

Too often, those concerned with economic development have assumed that basic development, once achieved, will cause an automatic flow of migration without special effort. While this may be true to a certain extent, it is also true that vast additional opportunities for migration can be developed if special technical activity of a kind not now being given is directed specifically toward migration goals in connection with development work. This calls for specially trained and directed staff, preferably attached to point 4 and U. N. technical assistance missions concerned with general economic development and development financing.

The question of additional capital funds for promoting immigration opportunities cannot be separated from the question of additional funds for economic development generally. The question of additional capital funds for development generally is under active discussion within the United Nations and the governments chiefly involved in the question of possible financial contribution, notably the United States. We do not desire to comment on the general question of financing economic development. We should like to say this, however, that

whenever and to whatever extent additional funds are made available, there should be a clear and forthright statement of intention to use these funds in such a way as to maximize the creation and utilization of migration opportunities stemming from such economic development.

Efforts to promote migration should not wait upon the realization of such funds, however. Steps can and should be taken now, through the technical assistance facilities of the U. N. and its specialized agencies, to develop and promote immigration opportunities wherever it is feasible to do so. There is today general recognition of the fact that the technical assistance facilities of the U. N. agencies are the most promising resource for action. The report of the Director of PICMME, dated October 6, 1952, on Technical Aid and International Financing for the Encouragement of Migratory Movements from Europe is in part a catalog of what the U. N. technical assistance program can do and is doing to promote migration. It illustrates the basic reliance that must be placed on the U. N. agencies in the development of an international program.

The United States should be prepared to support, together with other nations, special activities of the United Nations and its specialized agencies, such as the ILO, in this area. If additional funds are needed, the United States should be prepared to contribute to joint efforts. Only in this way can the full resources of the free world be mobilized to attack the problem of overpopulation in Western Europe. Without such a cooperative international program, not only will the problem grow in intensity—with all this means to the disruption of the economic and social stability in those free nations of the world which we are helping to reconstruct economically and militarily—but increasing pressure will be brought to bear in the United States to provide, alone, the financing and the immigration opportunities necessary to relieve the problem.

It is the opinion of the Department of Labor staff that recommendations along the lines suggested above—emphasis on special point 4 and U. N. staff to add migration content to development projects, statements of policy intent in legislation and in international instruments to use developmental funds to aid migration, and United States support of special U. N. activities to promote international efforts to deal with the problems of surplus population in Western Europe—should be included in the Commission's report to the President, in a manner which can form the basis of administrative and legislative programs.

The CHAIRMAN. Is Mr. Ewan Clague here?

STATEMENT OF EWAN CLAGUE, COMMISSIONER OF LABOR STATISTICS, UNITED STATES DEPARTMENT OF LABOR

MR. CLAGUE. I am Ewan Clague, Commissioner of Labor Statistics, United States Department of Labor.

With your permission, I shall like to read a prepared statement.

The CHAIRMAN. We shall be pleased to hear it.

MR. CLAGUE. The President, in establishing the special Commission on Immigration and Naturalization, has stated that our immigration laws are "based on conditions and assumptions that have long ceased to exist." The obligation to reassess our immigration policies in terms of our national interest is the basis for the directive that the Commission consider "the admission of immigrants into this country in the light of our present and prospective economic and social conditions and of other pertinent considerations."

My testimony seeks to present facts pertinent to this particular responsibility of the Commission, with special reference to the foreseeable effect, in the present decade, of various annual rates of immigration upon our economy and the Nation's work force.

We consider these facts under domestic and world conditions radically different than those existing earlier in this century. However, it is possible that some of our present views about immigration have their origin in thinking and attitudes toward our economy which prevailed during earlier periods. An appraisal of our views in the light

of present conditions is important to rational consideration of the urgent problems which confront us today.

Changing views of our economy today reflect changing trends in population growth which have occurred in the last decade, in contrast to earlier decades. Despite increases in the number of people in the United States, the rate of population growth tended to decline throughout the past century until the 1940's. A long-term downward trend in birth rates and, after World War I, drastic restrictions on immigration resulted in a slowing down in population growth. During the 1930's, the long-term downward trend in births was accelerated as depressed economic conditions led to postponement of marriages, deferral of births, and further curtailment of average family size. A birth rate in 1910 of about 30.1 per 1,000 in the population declined to a low of 18.4 in 1933. Despite reductions in mortality, the average annual rate of population increase dropped from 3 percent per year in the 1850's, to 1.5 percent during the 1920's, to 0.7 percent per year in the depressed 1930's.

The decline in rate of growth was abruptly reversed during the decade of the 1940's when it reached the annual rate of 1.4 percent per year. A dramatic upsurge in birth rates was recorded, reaching a peak rate of 26.6 per thousand population and almost 4 million births in 1947. At present we see no signs of significant slackening of higher birth rates, the rate in 1951 being 25 per thousand. Factors contributing to this expectation are: First, a trend toward a younger average age at first marriage; second, a possible reversal of the downward trend in average size of family; and, third, a reduction in fertility differentials among social and economic groups. The greatest relative increases in fertility during the past decade have occurred in the upper social and economic groups.

On the basis of pre-1940 population trends, a continued decline in the rate of population growth with a leveling off and possible decline in absolute numbers, was expected by the end of the century. For example, in 1947 a total United States population of between 165 and 170 million was projected by the United States Bureau of the Census for 1975. Currently, in view of recent trends in births and a further sharp reduction in mortality, the population for 1975 has recently been estimated at 190 million.

The recent changes in the size, composition, and distribution of the population have not only acted to accelerate the over-all rate of economic development in the United States, but have also profoundly influenced our expectations as to future economic trends. The shift from the expected further slowing down of population growth over to the anticipation of continued rapid growth in total population has been reflected in a greatly changed attitude toward economic development. From a tendency to emphasize problems of a "mature" economic structure leading to "stagnation," we now are concerned primarily with questions related to a dynamic, expanding, and highly flexible economy. In some measure, we may ascribe the high rates of capital expenditures in recent years to this change in the climate of economic thinking.

Our dynamic and expanding economy implies a corresponding growth in employment opportunities for our work force. Although we cannot rule out the strong possibility of short-term fluctuations in employment conditions, we may confidently look forward to a

continued uptrend in our Nation's manpower needs. In addition to the secular trend toward higher levels of employment, there is to be considered the special manpower impact of our partial mobilization program. The scale of our national security efforts cannot be precisely foreseen in future years, but we must assume that for a long time to come it will be necessary to maintain our military and industrial strength at very high levels relative to that of earlier peacetime periods. This means, specifically, that our Armed Forces will continue to require the services of a substantial segment of our young male population and that a significant fraction of our civilian work force will be engaged in the production of military goods. This sustained demand for manpower for national defense will be superimposed on our expanding normal peacetime requirements.

The "normal" growth of the work force results almost entirely from the additions of younger persons who reach working age and enter gainful employment upon the completion of their schooling. Hence, it is relevant to consider some special problems which our partial mobilization program makes more acute because of certain characteristics of our population growth. Several factors contribute to a reduction in the potential additions to the civilian work force which may be expected from younger age groups during the present decade.

There has been a sharp increase in the number of young children in the population over the past decade, with about 8½ million more children under age 10 in 1950 than we had in 1940. In contrast, the number in the age group which will provide the main additions to the Nation's work force during the next decade has actually declined. In 1950 there were 2 million fewer young people in the age group 10 to 19 years than in 1940—a decline of about 8 percent—reflecting the low birth rates of the depression of the 1930's. As a result, the annual net inflows of young workers into the labor force are currently at the lowest point in many years.

Among young women, earlier age at marriage and increased birth rates have significantly affected the labor force potential of a large segment of the population. The proportion of women in the younger age groups in the labor force has declined over the past decade. In April 1950 about 44 percent of all women aged 20 to 24 years were in the labor force, compared with almost 48 percent in April 1940. In the context of the partial mobilization situation, higher marriage and birth rates mean that the number of additional young women that can readily be drawn into the labor force has been reduced.

The number of young men annually reaching the military age of 18, at about 1 million this year, is 200,000 less than in 1940. In order to reach and maintain present Armed Forces goals, we have had to draw on the backlog of men in the present selective service age groups (18 to 25) built up during the pre-Korea period when the draft was inoperative. Currently we are drawing more young men out of the selective service pool into the Armed Forces than enter this pool each year. As a result, the number of young men available for induction under the Universal Military Training and Service Act and present deferment policies will be comparatively low during most of the decade. Not until the end of this decade will the number of men coming of age for military service begin to rise significantly as a result of the higher birth rates of the 1940's. In 1960, it is estimated

that the number of men 18 years of age will total nearly 1.4 million, or more than 300,000 higher than this year.

The preceding facts serve to emphasize the frequently reiterated statement that, in comparison with countries found within the Soviet orbit, our greatest relative shortage is in manpower resources. Our national self-interest requires that every consideration of our situation, including immigration policies, recognize this paramount fact.

The effect of inflows of immigration upon our economy, population, and work force is a vital consideration. A rational view of this can be attained by understanding the particular facts in relation to the whole. These are presented in table 1 below which projects the population and labor force until 1960 under assumptions of net annual immigration of 100,000, 200,000, 300,000, and 400,000.

According to these projections a net annual immigration of 300,000, from this year until 1960, would result in an addition to the population of a total of 2.6 million. This would represent 1.5 percent of a total projected population of about 172 million.

By 1960, the annual net immigration of 300,000 persons would add 1.3 million workers to the labor force. In a projected total labor force of almost 73 million by 1960, the proportion resulting from immigration constitutes only 1.8 percent of the total. To recapitulate, a net immigration of 300,000 a year would constitute, by 1960, less than 2 percent of the total population and work force.

Another view is obtained by estimating the effect of immigration on the rates of population growth, in comparison with rates during preceding decades. Table 2 below presents the annual rates of population growth in each decade since 1850, and estimates the rate during the present decade under varying assumptions of net immigration. With immigration of 300,000 a year until 1960, the annual rate of population increase would be 1.3 percent—less than the annual rate in any decade except the depression 1930's. An annual inflow of this size would increase the rate of growth only two-tenths of a percent above that which would occur if there were no immigration whatsoever after July 1, 1952.

Additional facts serve to give perspective on the effects of possible inflow of 300,000 or more immigrants a year. Experience of previous decades provides a sharp contrast. In the decade 1900–1910, when our total population increased 16 million, more than 50 percent of the increase was directly due to a peak immigration of 8.8 million. In the following decade immigrants constituted about 40 percent, or 5.7 million in a total population increase of 13.7 million. In the decade 1950–1960, on the other hand, an average annual net inflow of 300,000 immigrants would constitute only 1.5 percent of the population growth during the decade. With an annual inflow of 400,000, the proportion would be 2 percent.¹

These tremendous increments to our total population in the past may be compared, with some relevance, to recent drastic internal shifts in our population which occurred between 1940 and 1950. A vivid example is found in the State of California, whose population increased about 53 percent during this decade. Of the total increase

¹ The figures on increases due to immigration are for persons who entered the country during that particular decade. They do not include the additions due to births among these immigrants or among those of preceding decades. The projections to 1960 do include estimated births among immigrants.

of almost 4 million in that State's population, about 2.6 million—72 percent of the increase—were in-migrants from other States. Moreover, the nonwhite population of the State during this decade increased 116 percent (a total of over 350,000 persons), in comparison with an increase of 50 percent in the white population. The additions to the nonwhite population resulted from the migration of Negroes from other States, primarily from the predominantly agricultural States in the South, in response to wartime employment opportunities. They have remained to participate in the expanding peacetime economy of California.

In presenting figures of 300,000 and 400,000, I am not, of course, indicating that these would be the appropriate maximum figures to place in an immigration law. I mention them only for the purpose of giving the Commission some basis for judging their possible effect, particularly in view of the fact that frequent testimony has advocated the yearly admission of 300,000 or more.

TABLE 1.—*Projections of population and labor force, July 1955 and 1960,¹ under varying assumptions of net annual immigration after July 1, 1952*

Immigration assumption	Population, all ages		Labor force, 14 years and over	
	1955	1960	1955	1960
	<i>Millions</i>	<i>Millions</i>	<i>Millions</i>	<i>Millions</i>
Assuming no net immigration after July 1, 1952.....	162.6	169.4	67.8	71.6
Assuming net annual immigration after July 1, 1952, of:				
100,000.....	162.9	170.3	67.9	72.0
200,000.....	163.2	171.2	68.1	72.4
300,000.....	163.5	172.1	68.3	72.9
400,000.....	163.8	172.9	68.4	73.3
Additions to population or labor force resulting from net annual immigration of:				
100,000.....	.3	.9	.2	.4
200,000.....	.6	1.8	.3	.9
300,000.....	.9	2.6	.5	1.3
400,000.....	1.2	3.5	.6	1.7
Percent of total resulting from net annual immigration of:	<i>Percent</i>	<i>Percent</i>	<i>Percent</i>	<i>Percent</i>
100,000.....	.2	.5	.2	.6
200,000.....	.4	1.0	.5	1.2
300,000.....	.6	1.5	.7	1.8
400,000.....	.8	2.0	.9	2.4

¹ Based on population projections of the U. S. Bureau of the Census assuming medium trends in birth and death rates.

NOTE.—Figures do not necessarily add to total because of rounding.

Source: U. S. Bureau of the Census and U. S. Bureau of Labor Statistics.

TABLE 2.—*Population growth in each decade, 1850–60, with 1960 projected under various assumptions of net annual immigration after July 1952*

Year	Population	Net increase per decade	Annual rate of increase in preceding decade
	<i>Millions</i>	<i>Millions</i>	<i>Percent</i>
1850	23.2		
1860	31.4	8.2	3.1
1870	38.6	7.2	2.1
1880	50.2	11.6	2.7
1890	62.9	12.7	2.3
1900	76.0	13.1	1.9
1910	92.0	16.0	1.9
1920	105.7	13.7	1.4
1930	122.8	17.1	1.5
1940	131.7	8.9	.7
1950 ¹	151.1	19.4	1.4
1960 ^{1,2}			
Assuming no net immigration after July 1, 1952	169.4	18.3	1.1
Assuming net annual immigration after July 1, 1952, of:			
100,000	170.3	19.2	1.2
200,000	171.2	20.1	1.3
300,000	172.1	21.0	1.3
400,000	172.9	21.8	1.4

¹ Includes Armed Forces overseas.² Based on population projections of the U. S. Bureau of the Census assuming medium trends in birth and death rates.

Source: U. S. Bureau of the Census and U. S. Bureau of Labor Statistics.

The CHAIRMAN. Thank you very much, Mr. Clague.

Mr. ROSENFELD. Mr. Chairman, with your permission I should like to submit for incorporation in the record at this point a communication received from the Honorable Charles A. Coolidge, Office of Defense.

The CHAIRMAN. It may be inserted in the record.
(The communication follows:)

STATEMENT SUBMITTED BY HON. CHARLES A. COOLIDGE, ASSISTANT SECRETARY OF DEFENSE

OFFICE OF THE SECRETARY OF DEFENSE,
Washington 25, D. C., October 25, 1952.

Mr. HARRY N. ROSENFELD,

Executive Director of the President's Commission on Immigration and Naturalization, Washington, D. C.

DEAR Mr. ROSENFELD: I am writing this letter as the result of a conference with yourself and Mr. Jackson of my staff at which I am advised it was decided that oral testimony would not be presented before the Commission but instead a written statement would be submitted. While the Department of Defense wishes to cooperate fully with the Commission and is willing to testify if requested, in view of the limited information we have to submit I agree that a written statement is preferable.

The Department of Defense expresses no opinion with respect to the issues involved in the broad question of the desirability of quotas as provided in Public Law 414, since it is not within the Department's field of responsibility.

The Department of Defense has not found that the security provisions in the law have hampered the securing of personnel for the Department of Defense. Whatever the requirements might be from the standpoint for security for entrance into the country, the Department's own criteria for acceptance of a person for employment are as strict if not more so than the provisions of the law.

The Department favors the present section 101 (a) 27 (A), especially as it applies to members of the Armed Forces.

The Department also approves section 203 (a) (1). It has found that section valuable in obtaining scientific personnel. In fact, we would oppose any substantial change in, or deletion of, this section; and it is my understanding that

you have been kind enough to give assurance that if there is any possibility of such action the Department will be given adequate opportunity to be heard.

If we can be of further assistance, please let me know.

Sincerely yours,

CHARLES A. COOLIDGE.

The CHAIRMAN. Is Colonel Griffing here?

**STATEMENT OF COL. JOEL D. GRIFFING, CHIEF PLANNING OFFICER
OF THE SELECTIVE SERVICE SYSTEM, REPRESENTING MAJ. GEN.
LEWIS B. HERSHEY, DIRECTOR OF SELECTIVE SERVICE**

Colonel GRIFFING. I am Col. Joel D. Griffing, chief planning officer of the Selective Service System.

The CHAIRMAN. You may proceed, Colonel. The Commission will be glad to hear from you.

Colonel GRIFFING. Mr. Chairman, the Director of the Selective Service System, Major General Hershey, is very sorry that he could not be here himself this morning. He does consider it an honor and a privilege to have been asked to appear before this Commission. He has sent me to represent him and if I may do so, I will read a prepared statement of Major General Hershey in response to the request contained in your invitation to appear.

The CHAIRMAN. We shall be pleased to hear it.

Colonel GRIFFING (reading General Hershey's statement). Estimates of availability of manpower for the Armed Forces must be considered and understood according to the time and the circumstances which influence manpower requirements of the Armed Forces.

"Availability" as we use the term in the present limited expansion is not the same "Availability" we would speak of in an all-out emergency on general mobilization.

At the present time the first and most restrictive limitations upon availability are statutory in that under existing law only a part of our military manpower potential is liable for training and service.

Secondary limitations which apply within the ranges of current liability reduce sharply the actual availability. This reduction is progressive with the operation and the passage of time. For example, the persons first registered under the 1948 act included eight age groups up to and including the age of 25. Among them, especially in the upper four ages, there were so many who had served in the Armed Forces during the war or who had been found disqualified for such service, that very few were found then to be available for induction. In addition to the veterans' exemption there was the provision for the deferment of married men, so actually our availability included only the single nonfather, nonveterans among the 8,000,000 registered 4 years ago. Single, nonfather, nonveterans were little more than 25 percent of the total registered and their availability for service was materially reduced by the high physical and mental standards for acceptance fixed by the armed services.

After inducting approximately 30,000 men in late 1948 the Army discontinued induction calls in January 1949. Enlistments had increased with the renewal of selective service and all the services felt that their needs as seen at that time would be met by a recruiting effort supported by the existence of the draft machinery.

Consequently, the vast majority of our single, nonfather, nonveteran registrants who were fit and available from the upper two and one-half age groups had, by late 1950, passed the age of liability, and all who served prior to 1950 were exempt from further service by induction when the expansion of the Armed Forces began in the latter part of that year. Thousands of married men also had reached the age of 26 before the 1951 amendments to the act limited dependency deferments to fathers and extreme hardship cases.

At the outbreak of the Korean trouble in June 1950, the total registration stood at 10,725,000 which included the new registrants since October 1948. From that total it appeared then that our potential availability was about 3,600,000. The expansion of the Armed Forces by enlistment and induction has consumed this accumulated potential and cut deeply into the numbers which were added since 1950 by new registrants. On September 30, 1952, our registration totaled 13,569,500 but our gross working potential was but 1,417,500, of whom not more than 50 to 60 percent really will become available under existing conditions.

This analysis has been undertaken to sharpen the significance of my opening comment that military manpower availability is always something to be thought of in close relationship to the time and circumstances of military requirements.

If we had to go into a full mobilization many of today's limitations would be lifted so as to provide more men for the armed services. With such action the problems faced by civilian users of manpower would be increased and classification actions by Selective Service would be much more difficult than they are at this time.

As to the contribution of aliens to the armed services, I feel that at this time, they will contribute only as they are within the current ages of liability, are physically, mentally, and morally fit, and free of dependents. I include in mental and moral fitness such qualities as attitude, understanding, and acceptance of the responsibilities which go with the privileges of living in our country. The few cases which have come to our attention may not be representative of the attitude of most of these people, but I cannot dismiss the resistance to the law and outright effort to avoid service on the part of some of them as anything less than a warning that a firm understanding about this obligation should be had with all who seek to join us.

I would not suggest that it is a factor which should influence us to deny good people the American opportunity, but like the situation mentioned above, reports upon our recent effort to recruit aliens abroad for military service may supply some information worth careful consideration.

A dispatch dated April 9, 1952, from Heidelberg, Germany, tells us that "after a year of effort, only 220 displaced persons have been recruited into the United States Army. The quota for these aliens was set at 12,500.

Mr. ROSENFELD. May I interrupt? You mean "recruited overseas"?

Colonel GRIFFING. Yes. [Continues reading:]

The report went on to explain that since the passage of the law permitting their enlistment, 5,000 aliens had applied, but 1,000 never appeared to pursue their applications, others failed to meet the requirements of age, or the physical and mental tests, and there were 1,100

applications pending with about 180 new applications coming in each month.

The law which offered aliens the opportunity to enlist in the United States Army also offered eligibility for United States citizenship after 5 years of honorable service.

In time of great emergency when the military forces require great numbers of men for long indefinite periods of service the supporting labor forces require people with skill and ability. Men not of military age can then contribute to the whole national effort, but the degree to which they can contribute depends considerably upon the qualifications they really possess.

Recent arrivals I understand have been selected and admitted upon the basis of what they claimed they could do, but reports have reached me that many of these persons later were found to be without the skill they had claimed, or with little or no experience in the work they came in to perform.

I am not able to say that this has been widespread, but if we are to assess the value of the alien to the military and industrial strength of the Nation, it occurs to me that every possible assurance should be had that he is what he represents himself to be and fully understands that great obligations attach themselves to the great privilege of United States residence and citizenship.

The CHAIRMAN. Thank you very much, Colonel.

The next witness will be Dr. Shryock.

STATEMENT OF HENRY S. SHRYOCK, JR., ASSISTANT CHIEF, POPULATION AND HOUSING DIVISION, UNITED STATES BUREAU OF THE CENSUS

Dr. SHRYOCK. I am Dr. Henry S. Shryock, Jr., Assistant Chief, Population and Housing Division, United States Bureau of the Census. I am accompanied by Dr. Henry Sheldon, also of the Bureau.

I have a prepared statement which I would like to read.

The CHAIRMAN. You may do so.

1. POSITION OF THE BUREAU OF THE CENSUS

Dr. SHRYOCK. The Bureau of the Census of the Department of Commerce is essentially a fact-finding agency rather than one charged with the formulation of Government policies or programs. Accordingly, in the present instance, it has no recommendations to offer concerning national policy on immigration. The Bureau does stand ready, however, to make available its pertinent population statistics and its technical facilities as called upon.

Presumably, representatives of the Bureau of the Census have been asked to testify before this Commission in order to outline the information the Bureau can make available on the subject under consideration, to summarize the methods which were, and which might be, used in determining immigration quotas, and to give some indication as to future trends in the population of this country.

The statistics collected in decennial censuses which bear directly on the problem of immigration are those relating to the foreign-born and native persons of foreign or mixed parentage. The former set of statistics have been collected by country of origin since 1850, and the

latter, again by country of origin, since 1890. In addition to information on country of origin, statistics on other characteristics of the foreign stock such as age, sex, year of immigration, citizenship, and mother tongue have been collected at various censuses.

As the Bureau of the Census was represented on the committee which performed the technical work involved in determining the national origins of the white population of 1920, it does possess information on the methodological background of this calculation. In addition, the experience of its staff in the field of population estimates and projections puts the Bureau in a position to offer technical advice and assistance in indicating the probable results of computing base populations for the assignment of immigration quotas under various assumptions, and also to provide estimates of future trends in population under varying conditions.

II. THE DETERMINATION OF NATIONAL ORIGINS OF THE WHITE POPULATION OF 1920

The calculation of figures on the national origins of the 1920 population was carried out by a joint committee of the Department of State, Department of Commerce, and Department of Labor in the period between 1924 and 1929. The committee was charged with the responsibility of "determining as nearly as may be * * * the number of inhabitants in continental United States in 1920 attributable by birth or ancestry" to areas defined by the 1924 legislation as quota countries.

For the purposes of this calculation, the committee divided the white population of 1920 into four components: (1) foreign-born white, (2) native white of foreign parentage, (3) descendants of Colonial stock (i. e., descendants of the white population of 1790), and (4) the native white population of native parentage descended from persons who had immigrated since 1790, referred to as "grandchildren and later generations."

Foreign-born white: The foreign-born white population, by country of birth, enumerated in the 1920 census was accepted as the foreign-born white element, although some redistribution (described below) was made by country of origin.

Native white of foreign parentage: The 1920 figures were used as representative of the native white component in the same manner as those for the foreign-born white.

Colonial stock: By an ingenious use of the figures on the native white population, by parentage and age for 1890, 1900, 1910, and 1920, the number of descendants from the population of 1790 was estimated. The logic of this calculation ran somewhat as follows: The percentage of native white persons of native parentage for a given quinquennial age group in 1920 was known, and by referring this age group to the 5-year period in which they were born and examining the nativity of persons in the reproductive period at that time, the percentage of their parents who had native parents could be determined. These parents then could be referred back to their parents and again the percentage determined and so on to 1790 or later. By chaining together these percentages, it was possible to arrive at a figure for the colonial stock.

The figure for colonial stock was distributed by country of origin on the basis of an analysis of surnames of household heads listed on the

schedule of the 1790 census. A distribution of this type had been developed and published in the Bureau's *Century of Population Growth*, and this distribution was used initially. In the final calculation, however, a distribution developed in a project sponsored by the American Council of Learned Societies was used. In this latter project, a more sophisticated analysis of the names on the 1790 schedules was made and the results checked against independent estimates of national stock based on an analysis of historical data on colonial immigration. It has been said, on occasion, that the final determination of national origins involved the use of surname analyses (name check) of names listed on the schedules of the 1920 census. All available evidence seems to indicate that this was not the case, and that the determination of national origins from surnames was limited to the colonial stock and based only on the analyses of 1790 listings.

Native of native parentage descended from postcolonial immigrants: This group represented the residual part of the native of native parentage population in 1920, once the colonial stock had been removed.

The distribution by country of origin was made proportional to the immigration totals, by country of origin, for the period 1820 to 1870 (with estimates for the period 1790 to 1820) weighted by the length of the period of time covered by the immigration, that is, groups which had immigrated throughout the entire period were assigned greater weights than those represented only in the last few decades of the period. In this manner a national origins distribution of the grand-children factor in 1890 was obtained. The figures were then brought forward to 1920 by the use of appropriate mortality and fertility factors.

The committee then had a set of figures, by country of origin, for each of the four factors. These were adjusted to conform to current boundaries and became the basis for assigning quotas.

III. EVALUATION OF THE 1920 ESTIMATE

Given the legislative directive that the determination of national origins "shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable," the committee did an amazingly thorough and ingenious job. Because the basic data available were limited in scope, however, and, in many instances, the precise information necessary was not available, the accuracy of the final figures is subject to certain limitations.

Some of the elements subject to question are as follows:

The calculation of the total number of descendants of colonial stock: The general method used in determining this number was probably the only feasible way of obtaining the desired result. In the early part of the nineteenth century, the population consisted largely of descendants of colonial stock, so there was not much room for error over this period. In the later censuses, the native population included an increasing but unknown proportion of descendants of later immigrants, and even though backward chain computations from the 1890 census gave fairly good over-all estimates of total

natives of native parentage for years near 1890, the estimates for descendants from colonial stock were relatively weak for the intermediate period, which was remote from both 1890 and 1790.

Allocation of the colonial stock to countries of origin: The use of surnames in any allocation of this sort obviously produces less accurate results than the use of direct information on country of origin. However, there appears to have been some controversy as to the adequacy of the allocation and eventually a revised, and presumably better, set of figures was used. This situation does not invalidate the distribution in most general terms or in large categories such as northern and western versus southern and eastern Europe, but it does seem reasonable to infer a certain margin of error in the classification.

Grandchildren and later generation of immigrants and their distribution by country of origin: Whatever margin of error is contained in the estimate of colonial stock is also present in the grandchildren factor since the two are merely complementary parts of the total population of native white of native parentage in 1920. Likewise their distribution by country of origin was, for lack of better data, based on cumulating immigration figures. Here again the basic data are somewhat remote from those which would be most desirable—i. e., statistics on country of birth by age, sex, and year of immigration for the entire period.

Adjustments for boundary changes: The basic legislation required, in general, that immigration quotas be based on current boundaries. Census and immigration statistics, however, going back through time reflect a variety of political geographies.

In this context the changes in European boundaries following World War I are of greatest significance, particularly since the 1920 census statistics on country of origin were based on pre-World-War-I boundaries. The last step in the calculation for each of the four components or factors was to adjust country-of-origin figures based on census distributions to a current boundary basis. In this process, use was made of whatever data were available, European statistics on emigration, census statistics on mother tongue, immigration data on races or peoples (ethnic stock), passenger lists, and the like. It is clear that among these data there was an extremely wide range of reliability. For some countries, in certain periods, the emigration statistics were completely adequate for the purpose, for other countries and periods it became necessary to dignify statements of "few" or "many" or "large" or "small" with arbitrary numerical values.

Conceptual limitations: From an a priori point of view, the chief limitation of the national origins determination is the assumption of uniform rates of fertility and mortality among the four major components and the nationality groups within them. There is certainly evidence to suggest that this is a very bold assumption, but the assignment of differential fertility and mortality rates among generations and nationalities would also involve a number of bold assumptions as well as a great deal of extra computation.

There is general agreement that the fertility of the foreign-born has been higher on the average than that of the native population, and there is scattered information on the fertility of nationality groups. It is likewise agreed that fertility rates of the native white of foreign parentage are appreciably lower than those of the foreign-born white, but there are only fragmentary figures on differences by country of

origin. Data for the other two components—i. e., the Colonial stock and grandchildren are completely lacking. Some inferences might be made in terms of religious differences and difference in urban and rural residence for the latter groups and then applying more or less empirical fertility factors. It is evident, however, that such a calculation would involve the assignment of somewhat arbitrary values to such items as the distribution of the several population components by religious affiliation and urban-rural residence.

Furthermore, even if we had complete data on fertility and mortality by national origins we should still lack information about the undoubtedly large amount of intermarriage among the four basic population components and among the various national stocks. Many persons who are living or have lived in the United States are of more than one national origin.

Conclusion: It is clear then that the national-origins figures are subject to some margin of error at a number of points, as they are a product of components of varying accuracy. Granting, however, the principle of national origins as a basis for setting quotas and the type of data to be used, as specified by Congress, and finally the limitations of these data, the results are as accurate as can reasonably be expected, and although an infinite variety of variations in method could be introduced, it would be difficult to demonstrate that the results of any of these variations would be appreciably more accurate. It is also clear that, in the context set by the legislative directive, any sort of calculation would have resulted in larger quotas for the countries of Northern and Western Europe than for those of Southern and Eastern Europe.

IV. EFFECTS OF SHIFTING THE QUOTA BASE POPULATION TO 1950

Data on the foreign white stock are not yet available from the 1950 census. The Bureau of the Census has, however, made a rough calculation bringing forward the 1920 distribution to 1940, which shows moderate difference in quotas for some countries (exhibit A incorporated in the appendix). The 1940 data have not been adjusted for boundary changes subsequent to 1937. It will be noted that the larger differences occur in the countries in Central and Eastern Europe which were heavily involved in the post-World-War-I boundary changes—particularly Russia and Poland. These shifts point, on the one hand, to the difficulties in making adjustments for boundary changes and, on the other, to the tendency on the part of immigrants to report to the Census on the basis of boundaries as they existed at the time of immigration as opposed to current boundaries.

If legislation were enacted requiring the development of a national-origins population of 1950 for quota purposes, the Bureau of the Census would recommend bringing forward the 1920 population by simple, direct methods, that is, 1950 figures on the foreign-born white and native white of foreign parentage would be used, the other two components would be brought forward from 1920 by using appropriate general fertility and mortality factors, and it would be assumed, that for these components, there would be no change in the distribution by national origins. Estimates of the number of persons surviving from the births to native of foreign-parentage women during the 30-year period would be computed, distributed by the national

origins of women in the child-bearing period, and added to the grandchildren factor.

It is our considered opinion that, in view of the limitation of available data as detailed above, any elaboration of method much beyond that outlined would represent a waste of time and effort. It should be noted in this connection that a period of 4 or 5 years was needed to complete the 1920 estimate. The elaboration of method involves an increase in the number of assumptions. Theoretically such assumptions may sound and lead to greater accuracy. In practice, however, the empirical data needed to use them effectively are all too frequently lacking, and it is necessary at many points to assign somewhat arbitrary numerical values. The net result may be then that, although the theoretical solution to the problem is superior, it would be difficult to demonstrate that the actual results were more accurate than those derived from simpler methods.

V. INCLUSION OF NONWHITE RACES IN THE QUOTA POPULATION

Under the provisions of Public Law 414, orientals of nonwhite race are included in the quota population. The quotas are based, however, on census figures which have not been subjected to the elaborate treatment accorded the white-quota population. It is our opinion that since the census attempts to count Chinese, Japanese, and other Asiatic peoples as racial or nationality groups, the census figures reflect the total number of immigrants plus their descendants, and therefore, there is no reason to deal with them in terms of generations. In fact, such a calculation might well result in replacing reasonably accurate figures with less accurate figures.

It has also been suggested that Negroes should be included in the quota population. The problems raised by this suggestion are more complicated, since the census figures identify as Negro all persons having any observable degree of Negro blood. Although there is general agreement that there has been a good deal of racial mixture, involving not only Negroes and whites but also Negroes and Indians, there is no really acceptable evidence from which to derive actual figures for the proportions traceable to each of the races. Granting such a figure could be determined, there would be the further problem of assigning the white element to the proper component and country-of-origin group, and the larger part of the Negro element to areas in Africa on the basis of an examination of the annals of the slave trade.

VI. IMMIGRATION AND FUTURE TRENDS IN POPULATION

The estimated population of the United States on July 1, 1950, was about 151.7 million. With no immigration, recent projections of the population, according to "medium" assumptions, indicate totals of 168.9 million in 1960 and 186.7 million in 1975. Those are our so-called best or medium series, and it indicates some notion of the range of uncertainty here, however traceable, particularly as Mr. Clague has brought out—uncertainty about the birth rate.

The "low" projections for the decade 1950 to 1960, which assume no immigration and birth rates somewhat above the depression level, indicate an increase of about 13.5 million. The "high" projections for the same decade, again assuming no immigration and birth rates at

approximately current levels, indicate an increase of about 23.8 million.

With no immigration then, in the decade 1950 to 1960, an increase somewhere between 13.5 and 23.8 million might be expected. If a net annual immigration of 200,000 is assumed, the corresponding range would be from 15.8 to 26.1 million, so that you have an increase in the range of about 2 or 3 millions at either end.

EXHIBIT A

TABLE 1.—*Estimated distribution of the white population, by country of origin, for the United States, 1940*

Totals for "Colonial stock" and "Grandchildren and later generations" represent projections, by age, of the corresponding 1920 totals which appear in S. Doc. 259. These projections were obtained by the application of age-specific birth rates for the native white population and age-specific death rates for the total white population to the appropriate 1920 totals. For these 2 groups, the 1940 distribution by country of origin is assumed to be the same as that of 1920. The figures for "Immigrants" and "Children of immigrants" are adjusted figures from the 1940 census]

Country of origin	Total	Colonial stock	Postcolonial stock			
			Total	Immigrants	Children of immigrants	Grandchildren and later generations
Total.....	118,214,870	50,260,462	67,954,408	11,419,138	19,083,692	37,451,578
Quota countries.....	111,255,813	49,086,781	62,169,032	9,921,937	17,169,303	35,077,792
Austria.....	1,235,421	17,164	1,218,257	314,643	508,655	364,959
Baltic States.....	571,998	.....	571,998	188,893	230,291	152,814
Belgium.....	946,707	733,178	213,529	54,046	60,745	98,738
Czechoslovakia.....	1,877,128	66,586	1,810,542	457,434	781,149	571,959
Denmark.....	840,778	113,452	727,326	138,401	244,562	341,363
Finland.....	393,643	5,234	388,409	117,402	149,912	121,095
France.....	2,172,455	933,789	1,238,666	103,098	186,413	949,155
Germany.....	19,491,435	3,696,688	15,794,747	1,239,797	3,213,682	11,341,268
Great Britain and Northern Ireland.....	47,585,848	38,714,800	8,871,048	1,014,778	1,690,316	6,225,954
Greece.....	320,645	.....	320,545	163,519	143,318	13,808
Hungary.....	662,767	.....	662,767	254,408	288,843	119,516
Ireland (Eire).....	13,420,214	2,217,307	11,202,937	572,967	1,514,907	9,115,063
Italy.....	5,276,119	.....	5,276,119	1,626,236	2,665,698	984,185
Netherlands.....	2,318,997	1,663,802	655,195	111,246	205,165	338,784
Norway.....	1,719,311	91,541	1,627,770	262,517	535,878	829,375
Poland.....	3,769,680	10,469	3,759,211	995,104	1,752,283	1,011,824
Portugal.....	328,528	28,850	299,678	88,242	142,083	69,352
Rumania.....	278,799	.....	278,799	116,130	117,671	44,998
Russia (U. S. S. R.).....	3,152,453	5,234	3,147,219	1,042,587	1,415,467	689,165
Spain.....	210,169	46,744	163,425	47,785	51,093	64,547
Sweden.....	2,347,718	264,275	2,083,443	445,798	718,432	919,213
Switzerland.....	1,248,835	473,407	775,428	88,437	159,493	527,498
Syria and Lebanon.....	147,262	.....	147,262	50,942	78,754	17,566
Turkey.....	165,402	.....	165,402	81,740	78,696	4,966
Yugoslavia.....	518,930	.....	518,930	196,759	237,978	84,193
All other quota countries.....	254,541	4,261	250,280	89,028	87,819	73,433
Nonquota countries.....	6,959,057	1,173,681	5,785,376	1,497,201	1,914,389	2,273,786

TABLE 2.—*Estimated distribution of the white population, by country of origin, for the United States, 1940 and 1920*

Country of origin	Estimated population		Quota	
	1940	1920	1940 ¹	1920 ²
Total.....	118,214,870	94,820,915	-----	-----
Quota countries.....	111,255,813	89,506,558	150,000	150,000
Austria.....	1,235,421	813,051	1,656	1,413
Baltic States.....	571,998	430,235	771	738
Belgium.....	946,707	778,328	1,276	1,304
Czechoslovakia.....	1,877,128	1,715,128	2,531	2,871
Denmark.....	849,778	704,783	1,134	1,181
Finland.....	395,643	339,436	531	569
France.....	2,172,455	1,841,680	2,929	3,085
Germany.....	19,491,435	15,488,615	26,279	25,957
Great Britain and Northern Ireland.....	47,585,848	39,216,333	64,157	65,721
Greece.....	320,645	182,936	432	397
Hungary.....	652,767	518,750	894	869
Ireland (Eire).....	13,420,244	10,653,351	18,094	17,853
Italy.....	5,276,119	3,462,271	7,113	5,802
Netherlands.....	2,318,997	1,881,359	3,127	3,153
Norway.....	1,719,511	1,418,592	2,318	2,377
Poland.....	3,769,680	3,892,796	5,082	6,524
Portugal.....	328,528	262,804	443	440
Rumania.....	378,799	175,667	376	295
Russia (U. S. S. R.).....	3,152,453	1,660,954	4,250	2,784
Spain.....	210,169	150,258	283	252
Sweden.....	2,347,718	1,977,234	3,165	3,314
Switzerland.....	1,248,835	1,018,706	1,681	1,707
Syria and Lebanon.....	147,262	73,442	199	123
Turkey.....	165,402	134,756	223	226
Yugoslavia.....	518,930	504,293	700	845
All other quota countries.....	254,541	170,868	343	286
Nonquota countries.....	6,959,057	5,314,357	-----	-----

¹ Calculated on the assumption that 150,000 is to be distributed in proportion to the 1940 population originating in the countries listed.

² Quotas as presented in S. Doc. 259.

The CHAIRMAN. Thank you, Dr. Shryock.

The Commission will now stand in recess until 1:45 o'clock this afternoon.

(Whereupon, at 1 p. m., the Commission recessed to reconvene at 1:45 p. m. of the same day.)

HEARINGS BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

MONDAY, OCTOBER 27, 1952

TWENTY-SIXTH SESSION

WASHINGTON, D. C.

The President's Commission on Immigration and Naturalization met at 1:45 p. m., pursuant to recess, in the Archives Auditorium, National Archives Building, Washington, D. C., Hon. Philip B. Perlman, Chairman, presiding.

Present: Chairman Philip B. Perlman, Mr. Earl G. Harrison, Vice Chairman, and the following Commissioners: Dr. Clarence E. Pickett, Mr. Thomas G. Finucane, Msgr. John O'Grady, Rev. Thaddens F. Gullixson.

Also present: Mr. Harry N. Rosenfield, executive director.

The CHAIRMAN. The Commission will please come to order.

The first witness on our agenda for this afternoon is Col. Benjamin G. Habberton.

STATEMENT OF COL. BENJAMIN G. HABBERTON, DEPUTY COMMISSIONER OF IMMIGRATION, APPEARING AS ACTING COMMISSIONER IN THE ABSENCE OF HON. ARGYLE R. MACKEY, U. S. COMMISSIONER OF IMMIGRATION AND NATURALIZATION

Colonel HABBERTON. I am Benjamin G. Habberton, Acting Commissioner of Immigration and Naturalization, in the absence of Commissioner Argyle R. Mackey; normally, I am Deputy Commissioner of Immigration and Naturalization, Washington, D. C.

The CHAIRMAN. You may proceed.

Colonel HABBERTON. May I say informally before proceeding, Mr. Chairman and gentlemen, that it is a personal pleasure to be here, since I know some of you personally and have been associated with some of you in other activities and other endeavors. I want to say, too, that I greatly admire your stamina. I should think that it would take a great deal of it to perform the task that you have just performed and are continuing now to perform, listening to one witness after another, hundreds of them, I am sure, in all parts of the country, over a long period of time.

The CHAIRMAN. Colonel, we ought to say that it wouldn't have been possible without the cooperation the Commission received from your Service all over the United States wherever we have been.

Colonel HABBERTON. Thank you very much, indeed, Mr. Chairman. It was a great pleasure to do it.

With your permission, I will read a prepared statement.

The CHAIRMAN. We shall be pleased to hear it.

Colonel HABBERTON. Mr. Chairman and members of the Commission, the Commissioner of Immigration and Naturalization, Argyle R. Mackey, has asked me to convey to you his profound regret at his inability to be here today. As his deputy and as Acting Commissioner in his absence, it is my pleasure to appear before you in his place and stead. However, the invitation you have extended to me leaves me with mixed emotions, for it is with a feeling of deep humility that I address myself to the subject of your inquiry. My responsibilities in the Immigration and Naturalization Service date back a scant 31½ years, as compared with numerous officials whose Service experience extends back 20 and 30 years, and even more. The remarks of these older and wiser heads might perhaps be more appropriate than those of a relative newcomer like myself.

The policies and laws you are surveying spring from problems which are undoubtedly among the most significant of our day. However those policies are shaped in the laws which finally emerge, it is the responsibility of the Service to carry them into force. While our democratic ideal is a government of laws and not of men, we cannot shut our eyes to the ultimate interrelation between our laws and our public officials who give them effect. It is upon the knowledge, judgment, and integrity of these public servants that the living law depends.

In this connection, I should like to pay tribute to the men and women of the Immigration and Naturalization Service, for there have been some who have been critical of the Service. Before I joined the Service, I had spent more than 10 years in the practice of law and more than 5 years in the Armed Forces and in United States military government. Based upon this experience, I wish to say that in my opinion it would be most difficult to find anywhere, in the Government or in private enterprise, so large a group of men and women who are as able, conscientious, and devoted to duty as are the public servants in the Immigration and Naturalization Service. They have given and are giving their best efforts to administer our immigration and naturalization laws fairly and effectively. I think they are doing a fine job. I am proud of my association with them and with the Service as a whole.

Having stated that there has been criticism of the Immigration and Naturalization Service, I may add that it has been, in general, of two kinds: First, there is criticism that the Service is too severe in its administration of the immigration laws; second, there is criticism that the Service is too liberal in its administration of the immigration laws. Perhaps the inference to be drawn from this contrariety of opinion is not too unflattering. Indeed, it may denote a very healthy condition.

The public at large is, I believe, little aware of the tremendous volume of the business transacted by the Immigration and Naturalization Service and of the variety of complex problems involved. From what one may read in the newspapers and current periodicals, one may gain the impression that the work of the Service consists only in isolated and unrelated cases of individuals whom the Service has deported or excluded from the United States. It perhaps escapes public attention that during the fiscal year 1952 our national boundaries were

crossed more than 100 million times by citizens and aliens arriving at our approximately 450 ports of entry from foreign lands, and that more than 50 million of these were by aliens. Each one of these crossings constituted an entry into the United States. This represents only one segment of the Service's numerous and varied responsibilities and is typical of the immense and never-ending surge of regular business which goes on in routine fashion, day after day. It would be quite remarkable if, in such a mass of transactions, mistakes had not been made. We are of course sure that mistakes have been made, and are being made, and perhaps will continue to be made. We are equally sure that they are honest mistakes, and we feel very keenly that, in the light of the aggregate numbers involved, the percentage of error has been reassuringly low.

As the Attorney General pointed out in his appearance before you this morning, the Immigration and Nationality Act becomes effective on December 24, before your Commission will have finished its work, and the Department of Justice must be prepared at that time to assume its responsibilities thereunder. One part of the preparations long under way in the Department is the promulgation of new regulations implementing the act. Present indications are that the new regulations will be published as Notice of Rule Making in the Federal Register on or about November 8. The public will thus be given an opportunity to become acquainted with the provisions of these regulations and to propose additions or changes in advance of their publication in final form just before December 24. Since the President has directed this Commission to give particular attention, among other things, to the administration of our immigration and cognate laws, I am sure you will find the new regulations most informative in this regard.

In addition, this Commission has requested the Service to furnish data and statistics in various areas of Service activity. You have asked for a considerable volume of information concerning private relief bills introduced in the Congress; concerning the practices and policies of the Service with reference to the exclusion of certain aliens without hearing, based upon confidential information the disclosure of which would be prejudicial to the public interest; concerning the practice and policy of the Service with respect to detention of aliens; and finally, concerning the qualifications of the Service's hearing officers. We have supplied this information, and we trust it will be useful to the Commission in conducting its studies and in reaching its conclusions.

This morning, the Attorney General commented briefly on some of the inadequacies of the Immigration and Nationality Act. I should like to pick up that discussion where he left off, and point out some additional provisions of the new act which should be altered or clarified in the interest of better administration and more effective enforcement.

Section 318 of the new act, for example, prohibits the naturalization of an alien who has been found deportable or against whom deportation proceedings are pending, "except as provided in sections 327 and 328." Sections 327 and 328, however, do not contain the provisions referred to. Those sections waive some of the general naturalization prerequisites in the cases of aliens in the classes specified. If it was the intent of Congress to grant to those aliens the additional exemption of permitting naturalization notwithstanding the pendency of

deportation proceedings, that exemption should have been added to those specifically enumerated in sections 327 and 328. The conference report on H. R. 5678 evinces a congressional intent to grant such an exemption to aliens who have served in our Armed Forces. Section 328 clearly relates to such aliens, but section 327 does not. The existence of so important a waiver should not depend upon inference or conjecture. Such ambiguity makes administration unnecessarily difficult.

Section 203 (b) of the act provides that quota immigration visas to the first preference group (the skilled specialists) shall be issued by the State Department in the order in which a petition on behalf of each such immigrant is filed with the Attorney General. Section 204 requires that such a petition be approved by the Attorney General before the State Department may authorize issuance of the visa. In making the date of filing the application with the Attorney General the decisive factor governing the order in which visas are issued, the act imposes an almost intolerable administrative burden on the Immigration and Naturalization Service, which is forced to set up an additional elaborate system to keep track of the petitions and their filing dates. Moreover, one person could tie up the entire quota for some foreign country by filing a visa petition for 100 aliens from that country. Regardless of the date on which any of the petitions are approved, the visas must be issued in the order in which the petitions were filed. The Service will have difficulty in setting up and maintaining a system whereby petitions will be filed and disposed of in some equitable order, so that proper results will follow. The State Department will be in the difficult position of not knowing in any month how many visas it can issue that month, since on any day it may receive from the Attorney General an approved petition which had been filed a long time previously. This section of the act should be amended to avoid the administrative difficulties inherent in its present form.

Section 336 (c) changes the prior law by permitting final naturalization hearings to be held within 60 days preceding an election, but provides that in such cases the petitioner may not take the oath of allegiance until the 10th day following the election. Oddly enough, there is nothing in the law which forbids holding a final hearing the very next day after an election and letting the aliens whose petitions are then heard take the oath of allegiance at that time. The result is that, for no readily discernible reason, some applicants cannot acquire citizenship until 10 days after an election whereas others can become citizens the very day following the election. Apart from the apparent inconsistency involved, this distinction imposes an unnecessary difficulty on the Service in administering the naturalization laws insofar as it requires the reappearance of petitioners in those cases heard and granted within the 60-day period.

Various sections of the act require an alien to establish that he has been a person of good moral character for the period of time specified. Section 101 (f) declares that no person who has committed adultery during such period shall be regarded as a person of good moral character. The term "adultery," however, has different definitions in the criminal laws of the various States. In addition, there still exists in some States a distinction between the elements of the crime of adultery and the elements of adultery as a civil offense which gives rise to a cause of action for divorce. For the benefit not only of the Department

of Justice in its administration of the law, but also for the guidance of the courts which will pass upon such issues in naturalization hearings, Congress might well clarify the meaning it intended to impart to the term "adultery" in this act.

Section 430 of the act changes the grounds for revocation of judicial naturalization from "fraud" or "illegality" to "concealment of a material fact" or "willful misrepresentation." Section 402 of the act, however, sets up "illegal or fraudulent procurement" as the grounds for revoking naturalization obtained under Public Law 414, Eighty-second Congress, relating to the naturalization of certain persons who had been expatriated by voting in Italy. Of course, the determination of grounds for denaturalization is a matter of legislative policy. Apart, however, from the seeming lack of basis for making this distinction in grounds, the existence of the distinction imposes additional burdens on the Department of Justice. Since the grounds for revocation under the new act will vary according to the basis on which the naturalized persons acquired citizenship, the tasks of enforcement officers are rendered unnecessarily difficult in conducting investigations, making determinations, framing complaints, and trying suits. The matter should be clarified.

Section 249 of the act provides, as does existing law, for the creation of a record of lawful entry in the case of certain aliens who entered the United States prior to July 1, 1924, and of whom there is no record of lawful admission for permanent residence. One of the requirements of both the old law and the new is that the alien shall not be subject to deportation. Under section 241 (d) of the new act, however, all the grounds for deportation are retroactive, and under section 241 (a) (2) there is no longer any statute of limitations for aliens who entered without inspection or at a time or place other than designated. Thus, any alien who entered the United States without inspection, even though prior to July 1, 1924, is theoretically subject to deportation and hence ineligible for the benefits of section 249. The only way such an alien could adjust his status to that of a lawful permanent resident while in the United States would be by suspension of deportation, a procedure more burdensome and expensive not only to the alien but also to the Government. Since it is not apparent that Congress intended this result, section 249 might well be clarified.

Section 214 (c) of the act provides for a petition by the "importing employer" to import certain aliens as nonimmigrants under section 101 (a) (15) (H) "in any specific case or specific cases." There are many employers in this country who, in connection with their activities in various forms of seasonal work such as timber cutting, and fruit and vegetable harvesting, processing, and canning, annually import for temporary periods thousands of aliens from nearby foreign countries. Section 281 (6) of the act sets up a fee of \$10 for each petition filed under section 214 (c). The statute should be clarified to indicate whether it was the intent of Congress that each such employer must file a separate petition and pay a separate fee of \$10 for each alien employee sought to be imported.

Chapter 3 of title III of the act spells out the circumstances under which naturalized citizens may lose their citizenship. There is nothing in the act, however, which requires such expatriated persons to surrender their certificates of naturalization. The result is that such

persons may continue to retain their certificates, which they may use improperly in obtaining recognition as citizens of the United States. It would seem that for the purpose of assisting in the enforcement of the law, some provision might be made to give the Government the right to repossess the evidence of citizenship, such as the naturalization certificate, of expatriates.

These are some, not all, of the items in the new law which will tend to add to the difficulties of administration. The probing eye of this Commission will undoubtedly discover others, and experience in actual operation under the act will reveal still more. We trust that the new Congress will give prompt attention to our needs in this regard.

Thank you for this opportunity of appearing before you and stating some of our views on this important subject.

The CHAIRMAN. Thank you very much, Colonel.

Mr. FINUCANE. Colonel, just one question. The present law, that is, the new law, requires the filing of an application or petition to receive a nonquota visa because of relationship to citizens, and so on. Do you think it would expedite administration of the law and relieve the Immigration Service of a good deal of unnecessary work if that provision were eliminated and let the consul take care of the entire matter—eliminate the petitions filed with the Immigration Service and let the entire application be filed with the consul?

Colonel HABBERTON. I think that it would certainly simplify the procedures. It would eliminate some work. I am not sure that I should be convinced of the wisdom of eliminating what might appear to be an additional check by the Department of Justice, which has such enormous responsibilities under this law. Undoubtedly, it would simplify it. Undoubtedly, it would eliminate a certain amount of work.

Commissioner O'GRADY. Do you think it would be better if the law were such that, for example, Canadian woodsmen who are admitted temporarily to work in the Maine wood industry could be encouraged to remain in Maine permanently, so there would be a permanent source of such labor, instead of their being required to return to Canada at the end of the period for which admitted?

Colonel HABBERTON. Monsignor O'Grady, I think that is a matter of legislative policy about which the Immigration Service, which is charged only with administering and enforcing the law, should probably not express an opinion.

Commissioner O'GRADY. But I understand that your Service had expressed an opinion on the question of division of powers, and that is a very basic question of policy, isn't it?

Colonel HABBERTON. Yes, sir; I think that is a question going to enforcement, and we do make policy with reference to enforcement. I think, however, that the question of encouraging Canadians to come to this country permanently, rather than for temporary periods, is a matter of regulative policy, rather than enforcement.

I think that our job is to enforce the law the way the Congress makes it. If the Congress provides for their temporary admission, we will admit them temporarily, and we will try, at the expiration of their authorized stay, to encourage them to return.

Commissioner O'GRADY. Under section 203 (a) (1), providing for allotment of 50 percent of the quota of each quota area to highly

skilled immigrants, how do you think that will work as a practical matter?

Colonel HABBERTON. Our understanding of the means by which the 50 percent who will be chosen under section 203 is in general as follows: The statute states that the determination will be made by the Attorney General.

Commissioner O'GRADY. Do you expect he will have to do it in each individual case, in other words case by case?

Colonel HABBERTON. That's right, sir. Now, however, we have very great respect for the competence of the Secretary of Labor and his specialists in the Labor Department to determine by the machinery which they have what skills and kinds of ability are needed in the United States.

Commissioner O'GRADY. If it will be done case by case, will it be necessary to refer each case to the Department of Labor?

Mr. HABBERTON. I do not think it would be necessary to go quite that far, sir. The act says that the Attorney General will make the determination in the individual case.

Commissioner O'GRADY. As a practical matter, though, doesn't an industry usually select a skilled worker, or a particular worker, on the basis of what it requires, and in your opinion will this not mean the Attorney General has to determine whether there is a need for a skilled worker or workers in a general area?

Colonel HABBERTON. Well, the responsibility is the Attorney General's. Now, we certainly expect to be in constant consultation with the Department of Labor, and we also expect to be in constant consultation with other agencies of the Government—with all agencies of the Government who, in the opinion of the Attorney General, have competence in advising him as to just what are these skills and abilities that are needed.

Commissioner O'GRADY. How long do you estimate it will take for an employer to obtain an immigrant worker under such a procedure? Will it be a matter of months?

Colonel HABBERTON. No, sir; we don't anticipate that it will take that long.

Commissioner O'GRADY. Now, do you think it will take a week, or 2 weeks?

Colonel HABBERTON. I shouldn't want to confine myself quite that closely, but, frankly, we do not contemplate that it is going to be too terribly difficult. It's not going to be prohibitively difficulty.

Commissioner O'GRADY. What do you mean by "prohibitively difficult" as far as filling a particular job is concerned?

Colonel HABBERTON. Do you mean filling a particular job, or filling jobs in general?

Commissioner O'GRADY. Let us assume for the moment it will be on a job-by-job basis.

Colonel HABBERTON. All right, sir. I will say I don't think it will be prohibitively difficult, taking it job by job.

Commissioner O'GRADY. Do you think American industry will be satisfied with such a procedure to fill jobs?

Colonel HABBERTON. I was granting you your own facts. I don't think it is going to be done that way. You are asking me to assume that it is done that way. I think that it will be done not always upon an individual basis.

Commissioner O'Grady. Do you think it is desirable to admit skilled workers from a country where they are needed, as, for example, skilled workers needed in the defense industries of our western allies?

Colonel HABBERTON. Well, I am sure that is a question on which you will hear many witnesses who will have some competence. That is a matter of high policy not connected with administration and enforcement, and on which I disclaim having any peculiar competence.

The CHAIRMAN. Thank you very much, Colonel.

Colonel HABBERTON. Thank you, Mr. Chairman and members of the Commission.

The CHAIRMAN. The next witness on our schedule is Mr. Edward S. Maney.

Mr. ROSENFELD. Mr. Chairman, in connection with the appearance of Mr. Maney, the Chief of the Visa Division of the Department of State, may I read into the record a communication from the legal adviser of that Department?

The CHAIRMAN. You may do so.

(The letter follows:)

THE LEGAL ADVISER,

DEPARTMENT OF STATE,
WASHINGTON, October 24, 1952.

Mr. HARRY N. ROSENFELD,

*Executive Director, President's Commission on Immigration
and Naturalization, Washington, D. C.*

DEAR Mr. ROSENFELD: Reference is made to your request that Mr. Edward Strait Maney, Chief of the Visa Division, testify before the President's Commission on Immigration and Naturalization on behalf of the Department.

Inasmuch as the views of the Department will be presented to the Commission by the Secretary of State, the Department does not regard it necessary for Mr. Maney to appear.

Sincerely yours,

ADRIAN S. FISHER,
The Legal Adviser.

Mr. ROSENFELD. At the present moment the assignment of a time for Secretary of State Acheson's testimony before the Commission depends upon his availability from U. N. duties.

In the event it will not be possible for the Secretary to appear personally, I should like to request, Mr. Chairman, that the record remain open at this point for insertion of any prepared statement the Secretary may wish to present.

The CHAIRMAN. That may be done.

(There follows a prepared statement submitted by the Honorable Dean Acheson, Secretary of State:)

STATEMENT SUBMITTED BY SECRETARY OF STATE DEAN ACHESON FOR THE
PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

Mr. Chairman, members of the Commission, I am glad to have this opportunity to assist the Commission in making a fresh examination of the United States immigration policy. Immigration, like most important facets of our national life in these times, is closely linked with our foreign policy and objectives. I wish, therefore, to outline to you certain characteristics which, it seems to me, our immigration policy should have, if it is to contribute effectively to our foreign policy. These characteristics can then be balanced in your deliberations with the important considerations of domestic policy concerning which you are receiving testimony from other witnesses whose primary responsibilities are in the field of internal policy.

Our immigration policy with respect to particular national or racial groups, will inevitably be taken as an indication of our general attitude toward them, especially as an indication of our appraisal of their standing in the world. It will, therefore, shape their attitude toward us and toward many of our other policies. For this reason, and in order to achieve consistency between our foreign policy and our historical belief in equality, the first characteristic of our immigration policy should be freedom from discrimination on the basis of nationality or race. This becomes obvious when we examine some of the psychological effects that past immigration policies have had on our relations with other countries, and the effect we can reasonably expect our present policies to have when they come into force.

It is true that so far as formal government-to-government dealings are concerned, there is little or no difficulty in the sense that relations are strained, or cooperation less full. Nonetheless America's position in the eyes of foreign peoples is deeply affected, and this is a vitally important point in the mid-twentieth-century world situation.

The most damaging aspect of American immigration policy as a matter of formal foreign relations and of the psychological position of America vis-à-vis foreign peoples, was the policy of exclusion of Asians from immigration to and naturalization in the United States. Although absolute exclusion is now a thing of the past, too many discriminations remain, which in their effect on other peoples differ from exclusion only in degree. The case of Japan best illustrates the effects of a discriminatory policy, for the resentment generated in Japan was an important factor among many others contributing to the deterioration of relations between Japan and the United States and plunging the two countries into war. When the 1924 act was passed barring Asians from immigration to the United States, it was regarded by the Japanese as a national affront. The Japanese Ambassador in Washington resigned in protest, returned to Japan and left the diplomatic service. American diplomatic and consular officers then in Japan were given special police protection. Resentment was nation-wide, and it continued until the ultranationalists were able to use it effectively in building up the antiwhite and anti-American animosities necessary for their rise to power.

The Immigration and Nationality Act of 1952, while it eliminates the exclusion of Asians, places Asia under the national origins quota system which since 1924 has governed immigration from all other parts of the world outside the Western Hemisphere. Superimposed on the national origins system insofar as Asia is concerned, however, are the Asia-Pacific triangle provisions, which necessitate charging to the quotas of Asian countries immigrants from all areas who are attributable by as much as one-half of their ancestry to peoples indigenous to the triangle area.

The lifting of the bar of exclusion caused deep gratification in Asia when the act was passed, but the racial discrimination apparent in the triangle provisions can be expected to keep alive some feelings of resentment. As the act is not yet in effect, there has been little opportunity for the effects of the small Asian quotas to be felt. Indeed, it may be some time before any objections are raised, for, partly owing to the previous absolute bar, Asians are not in the habit of thinking of emigration to the United States, and many of those who might think of it, could not meet the financial or other requirements imposed. Further, in India and Pakistan, resentment against United States policy has been largely a matter of principle—a dislike of racial discrimination in any form—rather than frustration of a desire to emigrate, so that removal of the bar has improved the situation there. Nevertheless, the combination of very small quotas for Asia and the Asia-Pacific triangle provisions still furnish ground for Asian suspicion of United States motives.

In the colonial and other dependent areas, an even less satisfactory situation has come into being. The new act provides that colonies shall have quotas of 100 each, instead of unlimited use of the quota of the governing country. The difficulties are most clearly evident in the important strategic area of the Caribbean. The fact that this area has been the only part of the Western Hemisphere subject to quotas has always been an unpleasant irritant to these colonial peoples. In the case of the British West Indies, the large and always undersubscribed British quota was open to them. They have not, therefore, felt the practical effects of the discrimination implicit in their unique status in the hemisphere. No more than 2,500 immigrants have entered the United States from the British West Indies in any one year. Henceforth, however, no more than 800 (100 for each of the 8 British territories) may enter each year. Already, months before the effective date of the act, various British West Indian

legislatures have passed resolutions denouncing these provisions. This is even less to be wondered at when it is remembered that Cuba, Haiti, and the Dominican Republic, all near neighbors of the British territories and equally parts of the Caribbean area, have nonquota status like the rest of the Western Hemisphere. Prominent West Indian leaders and newspapers have protested the obvious discrimination, and both West Indian and British Government officials have informally brought the seriousness of the matter to the Department's attention. Further, the United States members of the Caribbean Commission (a body formed by executive agreement between the United States, the United Kingdom, France, and the Netherlands to plan for the economic and social development of the Caribbean area) have formally protested to the Department against the colonial quota provisions as being a threat to the work of the Commission itself, as well as to the work of the Department in its relations to the Commission.

In view of all this, it is clear that United States immigration policy not only causes resentment weakening the friendship of some of our neighbors but also causes or emphasizes economic dislocations that weaken those neighbors whom we need as strong partners and who can furnish us with sites for military bases and strategic raw materials.

Other colonial areas that will be of increasing importance to the West are those in Africa. Although there has as yet been no problem there, it should not be assumed that there never will be. Nationalism is growing rapidly in Africa, and Africans are, of course, extremely sensitive to racial discrimination. There are at present about four or five hundred west African students studying in the United States. We want these men and women to go home friends of America, ready to use their skills and intelligence in strengthening the free West. But if we discriminate against their countries, or against any other peoples, we shall lose their good will.

Again, one of the chief problems now facing the United States information offices in Africa is how to combat the anti-American racial propaganda published in local nationalist papers. While with one hand we spend time and money to fight that propaganda, with the other hand we feed the propaganda mill with our discriminatory policies.

In Europe, the difficulties facing us result in part from the national-origin quota system, which is based squarely on the theory that the best Americans are those of particular national or racial origins. This theory, always derogatory to our friends, is increasingly at variance with our protestations of equality and with our efforts to work fruitfully with all peoples. Especially where it strikes countries like Italy and Greece, which are much concerned with emigration as a solution to their population problems, it has engendered soreness and doubt that inhibit progress toward mutual trust.

So much for the question of discrimination.

In the modern interdependent world community the United States has come to have a strong positive interest in the population problems besetting nations with which we are cooperating in the defense of the free world. Therefore, in addition to demonstrating to the world that the people of one race or nation are inherently no more or less desirable in our eyes than those of any other, the second characteristic of our immigration policy should have is flexibility. This would permit us to make a special contribution to the solution of population problems, two of which are particularly important to our present objectives.

One is the problem of overpopulation in certain European countries. It is a fundamental premise of United States policy that the economic and political stability and military strength of free nations is essential to United States security. A primary obstacle to the attainment of such stability and strength is the presence in Italy, Western Germany, the Netherlands, and Greece of excess population which these countries cannot assimilate at a tolerable standard of living and an advantageous level of productivity. Since this excess population cannot be fully employed in these countries at any foreseeable level of their economic development, it creates in each the acute threat of political instability that large-scale unemployment nearly always brings. It is no accident that the country with the greatest overpopulation problem, Italy, has the largest Communist Party in Western Europe. Moreover, the continuing pressure of excess population on limited resources is a serious threat to the general economic viability of these countries, which has been the goal of so much United States effort and expenditure.

Immigration of this excess population to the United States cannot, of course, be the primary solution of the problem. The major emphasis is still on further economic improvement within the particular countries and within the European area as a whole; in the long run, economic expansion will increase the numbers

of people who can be productively employed within the area. Meanwhile, the United States, as part of the Mutual Security Program, is participating with 18 other governments in the Provisional Intergovernmental Committee for the Movement of Migrants from Europe. The Committee is moving migrants chiefly to Canada, Venezuela, Brazil, Australia, and New Zealand, and a number of the member governments have embarked on generous special immigration programs.

However, the present rate of economic expansion and migration can take care of little more than the annual increase in surplus population in the whole of free Europe. In the case of Italy, where the overpopulation problem is especially acute, the present total annual emigration will have to be more than doubled for a period of 10 years if substantial alleviation is to be achieved, and this despite increases in domestic opportunity. Acceptance by the United States of a substantial number of additional immigrants from Italy and other countries suffering in the same way would not only contribute directly to a solution but would also place us in a firmer position to urge other countries to join our efforts in this direction. A special effort to reduce the overpopulation problem to manageable proportions would be a most effective step toward our foreign-policy goals.

Another special problem of equal importance is that of the escapees from Communist countries. These people arrive in the border countries destitute. They have lost their homes, their property, and often their families. They have a deep hatred for communism; they know from experience what it means. They have a deep love of freedom, having been so long without it. If they are left to shift for themselves in lands already burdened with surplus population, they will not be able to find work and will be disillusioned about the meaning of "western democracy." As their disillusion grows, and word of it spreads, it will be difficult for us to convince the captive populations behind the iron curtain that the free world is interested in their fate. With our aid, other countries are trying to make possible a new life for these escapees. But these efforts do not by themselves meet the need. To welcome escapees to the United States on a scale impossible under the present quota restrictions would be a vital step in making our policy toward the satellite peoples effective.

Summing up, then, the immigration policy that would contribute most to the success of our foreign policy is one that is at once free from discrimination on the basis of nationality or race and flexible enough to permit special efforts to help solve particular population problems important to the security of the free world. I believe that, with wisdom and patience, both these aims can be achieved. Special immigration programs will, of course, open to certain selected groups opportunities not available to others. However, as long as such programs are clearly related to our objective requirements and to the special needs of nations joined with us in the common effort, they will in no way imply a judgment of people made on the basis of race or nationality. They will not, therefore, contradict the nondiscriminatory character which our immigration policy should have if it is to help and not hinder us in reaching the goals of our foreign policy.

MR. ROSENFELD. Mr. Chairman, I also have a communication from Dr. A. Wetmore, Secretary of the Smithsonian Institution, which I should like to have incorporated in the record.

THE CHAIRMAN. It may be inserted.

(There follows the communication from Dr. A. Wetmore, Secretary, Smithsonian Institution:)

STATEMENT SUBMITTED BY A. WETMORE, SECRETARY, SMITHSONIAN INSTITUTION

SMITHSONIAN INSTITUTION,
Washington, D. C., October 23, 1952.

MR. HARRY N. ROSENFELD,

*Executive Director, President's Commission on
Immigration and Naturalization,
Washington, D. C.*

DEAR MR. ROSENFELD: Acknowledgment is made of your letter of September 30 in which you ask whether the Smithsonian Institution can provide your Commission information on (1) the anthropological and biological assumptions of the national-origin quota system (2) the assimilability of peoples of different races and nationality, (3) the general character of the ethnic composition of the United States of America, and (4) the validity of the racial and ethnic classification upon which the existing national quota system is based.

I have referred your request to a group of anthropologists on our staff who have reported to me that, so far as they can determine from the material available to them, the national-origin quota system selects "white" immigrants in proportion to the previous contributions of the various national-origin groups to the population of the United States up to an arbitrarily chosen year. To us there do not seem to be any biological or anthropological assumptions involved in this, and in any case it would appear that the arbitrariness of this system would effectively nullify any such assumptions.

The rates of assimilability of peoples of various races and nationalities must depend on many factors. In general, the more deviant the appearance, language, and customs of immigrants, the greater resistance they may encounter from the established population, and hence the more slowly they may be assimilated, sociologically as well as biologically. Our anthropologists have not personally investigated this complex process of amalgamation, but they cite as one of the few studies available an *Ethnic Survey of Woonsocket, R. I.*, by B. B. Wessell, University of Chicago Press, 1931.

The present ethnic composition of the United States is, in the opinion of our anthropologists, a matter of record in the statistical compilations of the Bureau of the Census and the Immigration and Naturalization Service. Aside from this quantitative record, almost nothing seems to be known about the qualitative aspects of our population or about the emergence of what might be considered an American type.

Finally, the anthropologists point out that the national-origin quota system, as its name indicates, has a national rather than a racial basis. The two, scientifically are not identical since, for example, people of several races are considered French nationals. No one in this institution would be able to judge the validity of the classification of nationalities used for immigration purposes, since this is in the field of political science, a field outside our scope. A statement on race that may be of interest has been prepared for UNESCO by a panel of scientists of international standing, and is available in published form in the periodical *Man*, volume 52, article 125, pages 90-91, June 1952.

From these opinions of our anthropologists, it appears that the problems on which you are seeking help do not involve the present fields of competence of our staff, and any further help they might give your Commission would be of necessity through reference to standard publications. Our inability to help in this instance in no way reflects unwillingness, but simply the fact that our specializations run in other directions. I am,

Sincerely yours,

A. WETMORE, *Secretary.*

The CHAIRMAN. Our next witness will be Dr. Jack Masur.

**STATEMENT OF JACK MASUR, M. D., ASSISTANT SURGEON GENERAL,
CHIEF, BUREAU OF MEDICAL SERVICES, UNITED STATES PUBLIC
HEALTH SERVICE, FEDERAL SECURITY AGENCY**

Dr. MASUR. I am Dr. Jack Masur, Assistant Surgeon General and Chief, Bureau of Medical Services, United States Public Health Service, Federal Security Agency.

With your permission, I will read a prepared statement.

The CHAIRMAN. We will be pleased to hear it.

Dr. MASUR. On behalf of the Public Health Service of the Federal Security Agency, may I say that we appreciate the invitation of the Commission to report on the role of the Service in the surveillance of health problems involved in the admission of aliens into our country.

The concern of the Public Health Service with such problems dates back to the turn of the nineteenth century, when our first hospital was set up in an old, unused barrack building on Castle Island in Boston Harbor. The Service was established originally to provide medical care for American seamen. Many of them contracted illness in foreign ports. Others were infected by ships' passengers who were ill.

Physicians of the Public Health Service organized the first attacks on the epidemics of cholera, plague, yellow fever and other infectious diseases that were imported into our port cities year after year, until a Federal quarantine law was passed by Congress in 1878. And a decade later, medical research in the Public Health Service came to life in a one-room laboratory in the Staten Island hospital where Dr. Joseph J. Kinyoun, fresh from his studies with Koch and Pasteur, began his research on cholera and other infectious diseases where tens of thousands of immigrants were pouring into the Port of New York, bringing those diseases to his very door.

I suppose no one knows more than our Public Health Service physicians of the tragedy that illness and physical disability can bring to families who seek to enter this country as immigrants. The tired, the poor, and the homeless who come to enter the "golden door" are individuals to us. Because of the tragedy that sometimes occurs, for example in TB cases, we often reexamine an alien's case again and again to determine whether the disease has become sufficiently healed to permit him to enter the country.

But since the Surgeon General is charged, under the Public Health Service Act, to prevent the spread of communicable disease, and since we must also carry out the obligations of the United States under the international agreements, those tasks command our first attention.

Here in this country we have fought for years against VD, TB, mental illness, and other diseases. We have been especially successful in eliminating the deadly, infectious diseases like cholera, yellow fever, and smallpox. For example, last year only 11 cases of smallpox were reported within the country. But we cannot afford to overlook the fact that smallpox is still endemic in many parts of the world, that the incidence of TB is many times higher in some European countries than it is here.

As you know, the law provides that aliens may not be admitted to this country if they are suffering from mental illness, tuberculosis, dangerous contagious disease, or any other mental or physical defect which would be a health hazard to the community or impair their ability to earn a living.

The medical examination of aliens is conducted by the Division of Foreign Quarantine of the Public Health Service. The Division maintains staffs in various consulates in Europe, Great Britain, Canada, Mexico, Cuba, and Hong Kong. In this country we have stations and personnel at all maritime ports of entry, at international airports and along our international boundaries.

In order to give medical examinations to aliens in countries of their origin, Public Health Service officers and supporting personnel are assigned to 23 American consulates; 10 in Europe, 10 in Canada, and one each in Cuba, Mexico, and Hong Kong. In addition, medical officers at quarantine stations on the United States side of the Mexican border perform examinations for the consulates in Mexico.

In Europe, where the bulk of the work for immigrants is done, the Service maintains a supervising medical office in Paris. This office is staffed with a medical director and specialists in tuberculosis and psychiatry to direct and aid the work of our own Public Health Service medical examiners at the larger consulates and to consult with the consuls and local medical practitioners at the smaller consulates.

In general, we have assigned Public Health Service officers to all consulates having sufficiently large workloads to justify the utilization of one American physician. In Europe, these larger consulates account for about two-thirds of all immigration visas issued.

At the two hundred-odd small consulates in different parts of the world, where the workload is smaller, local physicians are designated by the consuls to examine visa applicants. The Public Health Service has no specific authority in the selection of these local physicians, or in the supervision of their work. However, our Paris office assists the consuls as much as possible in the selection, and instructs them in the regulations, and procedures established by the Service. Our specialists in tuberculosis and psychiatry advise these local physicians in their respective fields, insofar as possible, to assure that the standards of American medical practice will be followed. Virtually all of the immigrants who arrive in this country, and are found to be inadmissible for medical reasons, are those who have been examined by the local physicians working through the smaller consulates. Tragedies of deportation, or the separation of families could be avoided with closer adherence by the local physicians to the standards followed by the Public Health Service.

In view of the need for more advisory service to the local physicians, we hope that, next year, we will be able to afford more staff in Europe.

The medical reexamination of aliens upon arrival at a United States port is required by law. But his reexamination is primarily an inspection and review of the medical record and chest X-ray of each individual. If for any reason the examiner suspects that a person has an excludable condition which was not detected abroad, the immigrant is required to have a more detailed medical examination. These examinations are made usually at our Public Health Service hospitals or out-patient offices.

Most of the persons requiring further examination need additional X-rays, either because the X-ray attached to their papers is not adequate, or because of faulty interpretations made at the time of the original examination. If, after thorough examination, an immigrant is found to be afflicted with an excludable condition, he may be deported by the Immigration Service following the required legal hearings. However, if the condition is subject to cure within a reasonable time, arrangements may be made for treatment in this country.

In the immigration medical work, tuberculosis is probably the most important disease, from the standpoint of both the immigrant and our responsibility for protecting the public health. Because of the importance of detecting tuberculosis, routine chest X-rays have been required of all visa applicants over 10 years of age since September 1948. In Europe, the Service maintains X-ray machines in the consulates staffed by our own physicians. At all the smaller consulates, prospective immigrants must obtain X-rays, seriological examinations for syphilis, and other laboratory tests from local physicians designated by the consuls.

As you are well aware, we have recently had some complicated problems in connection with the displaced persons arriving with possible active pulmonary tuberculosis. There was a high incidence of tuberculosis among these people. They were examined by local and refugee

physicians employed by the International Refugee Organization, and by alien physicians employed by the Public Health Service in IRO centers.

Because of the limited number of physicians available for this work, and the inadequacy of facilities, about 150 DP's who had what appeared to be active tuberculosis arrived in this country. Arrangements were made for practically all of them to receive treatment here. A few are still being treated. In order to reduce the tragedies of threatened deportation, we sent a board of independent tuberculosis specialists to Europe to aid in the examination.

During the 3½ years of the DP program, nearly a half million persons were given medical examinations. Four thousand had to be rejected because of pulmonary tuberculosis. An additional 6,000 were excluded because they could not meet other medical requirements.

In the course of the regular immigration program—that is, in addition to the examination of DP's—we examined 112,000 immigrants in various parts of the world during the past fiscal year. About 600 of those examined abroad by our Public Health Service personnel were unable to meet the health requirements. Of the persons arriving at United States ports of entry, and at the borders, about 100 failed to meet the health requirements. As I said before, the great majority of these were examined originally by local physicians designated by the smaller consulates.

Since the immigration laws make all aliens entering the country subject to medical examination, large numbers of nonimmigrant aliens are examined by the Service at United States ports and borders. The largest category is crew members and workaways on arriving steamships. We inspected 900,000 during the last fiscal year. The next largest group is temporary visitors. The numerous alien businessmen, visitors, tourists, diplomats, and in-transit travelers who come to this country are generally not referred for medical examination. However, consuls in foreign countries, or immigration officers at United States ports may refer any alien to the Public Health Service for medical examination where there appears to be good reason. Other categories of aliens that may be examined are those with reentry permits, local crossers on the Canadian and Mexican borders, and alien visitors in this country who plan to depart and reenter as immigrants.

The new immigration and naturalization law does not include any drastic changes in the criteria for the medical examination of aliens. There are a few changes in terminology which do not vary materially from the previous law. There is also a modification of the appeal provisions. Under the present law an alien can appeal only in case of insanity or mental defect. The new law permits appeal by any immigrant declared to have any mental deficiency or any disorder.

Undoubtedly the Commission has seen the recommendations made by the Federal Security Agency when the new law was under consideration. But since you are concerned here with the whole problem of immigration, I should like to present a brief explanation of some of the improvements which we believe to be desirable to the effective and equitable administration of the medical examination of aliens. They are largely changes in terminology. But we believe them to be important because of the inequities which may result otherwise.

For example, we would like to suggest that the Commission take under consideration the modernization of the terminology "insane," "feeble-minded" and "mental defect." The term "feeble-minded," for example, does not have the exact medical significance necessary for modern diagnosis. It is a generic term applicable to varying degrees of mental capacity. We would suggest that the terms "idiot," "imbecile," and "moron" be substituted, since they are categories recognized in medical terminology and would, we believe, include most persons likely to require special supervision, to become an economic burden, or to present a more than normal risk, of transmitting to children any strain of mental weakness.

The term "mental defect" has the same fault. We believe that "mental disease" would be better, since it covers such incapacitating disorders as the obsessive, compulsive, or hysterical types which may seriously impair an individual's ability to live a normal life.

It may seem to you that these shades of meaning or interpretation are minor matters. But we believe, from long experience, that they are essential to the best administration of the immigration and naturalization laws.

One is always faced with the dilemma of administrative routine versus the sympathetic handling of cases as human beings on an individual basis.

This is the ever-present incubus in the administration of a program that deals directly with the lives of people. But because the terms of the law do have a great impact on immigrants and their families, and because accurate terminology is important to our efforts to protect the public health, we urge the Commission to study carefully the suggestions that have been made by the Federal Security Agency.

The CHAIRMAN. Thank you, Doctor.

Is Professor Harberger here?

STATEMENT OF ARNOLD C. HARBERGER, PROFESSOR OF ECONOMICS, JOHNS HOPKINS UNIVERSITY, AND FORMER STAFF MEMBER OF THE PRESIDENT'S MATERIALS POLICY COMMISSION

Professor HARBERGER. I am Arnold C. Harberger, professor of economics, Johns Hopkins University, Baltimore, Md. I was a former staff member of the President's Materials Policy Commission.

I don't have a prepared statement. I came down here to answer whatever questions you gentlemen might have to put to me on, I presume, the subject of what effect differing immigration policies might have on the long-term economic growth in the American economy. This is the field in which I worked on the Materials Policy Commission, and I am here prepared to answer whatever you may put to me on that subject.

Mr. ROSENFELD. For the record, you are talking about the President's Materials Policy Commission, the so-called Paley Commission, is that right?

Professor HARBERGER. That's correct.

The CHAIRMAN. You were a member of that Commission?

Professor HARBERGER. I was on the staff of that Commission.

The CHAIRMAN. And will you for the record just briefly describe what the purpose of that Commission was?

Professor HARBERGER. The purpose of that Commission was to determine what would be an advisable long-range materials policy for the United States. In the process of finding out what would be advisable, we had to take a look into the long-range future. We took as our target date 1975.

The CHAIRMAN. You said "materials." Now, what materials?

Professor HARBERGER. Raw materials, all exhaustible resources, essential materials, whether domestically produced or not.

The CHAIRMAN. Do you mean materials needed in the expanding economy of the United States?

Professor HARBERGER. Correct. Now, my particular specialty was in the long-term aspects of this, looking at the year 1975 and trying to figure out what were the forces which would govern the growth of our economy up to then. Naturally, the size of a labor force in 1975 was an important matter for our consideration. However, in the final analysis, I would suspect that any difference in the size of the labor force which plausible, different immigration policies would make would have no effect on the standard of living in the United States. It certainly is true that if the United States were to remove all barriers to immigration, to allow anyone from any part of the world who wanted to come in to come, we would probably see some substantial fall in the average level of living. However, immigration at the rate of 100,000, 200,000, 300,000, or even 400,000 a year can easily be absorbed by the United States economy without any lowering of the rate of increase in our standard of life.

I can give you a reasonable picture of how this works, I think, by separating out three forces which go to raise our total productivity in the economy. One of the forces is improvement in technology, invention technique, that sort of thing. Another force is the amount of capital equipment that we work with, and the third thing is the increase in our labor force.

Now, on the basis of what we have done in the past, the standard of living of the average American has risen about 1 to 1½ percent per year, due solely to this technological factor and solely to our inventiveness in developing new techniques. Furthermore, we can anticipate by 1975 a substantial doubling in our stock of capital equipment. If our labor force were, by 1975, to also double, which means to go from 60,000,000 to 120,000,000, we could anticipate, nevertheless, that the average worker would live some 30 percent better than the average worker today.

Now, we anticipated, in our own work, an increase in the labor force of only about 30 percent, going from about 60,000,000 to about 82,000,000. Even with that very small increase in the labor force, the standard of living of the average worker was expected to rise by about 50 percent. So that the effect of an increase in the labor force on lowering the average standard of living is obviously very small. On the one hand, if you assume an increase of only 30 percent in the labor force, you get your standard of living likely to go up by 50

percent. When you assume an increase of 100 percent in the labor force, which is completely implausible, your standard of living still goes up by 30 percent.

Now, I suspect that any immigration policies which your Commission is likely to be interested in might be of the order of changing our 30-percent increase in the labor force to perhaps a 40-percent increase in the labor force, and, within that very small range, I suggest that the effect can be no more than negligible.

Commissioner O'GRADY. Would you say that we have been helping friendly countries in building up their capital equipment by exporting capital?

Professor HARBERGER. Exactly.

Commissioner O'GRADY. We have heard testimony to the effect that where a country cannot absorb its labor supply because it may have too many refugees who cannot be taken into the population of those countries, or surplus population that cannot be gainfully employed, that it has hindered the development of the economy. So that, while in one respect we are trying to build up a country by exporting capital, at the same time we have the question of how you are going to deal with that labor supply that has been thrown on that country. Therefore, do you think we can separate this question of immigration policy from the question of our economic policy in dealing with other countries in regard to the improvement of their economies?

Professor HARBERGER. I think we can separate it for certain problems, but we needn't. If we say that additional immigration into the United States would not hurt our economy and we see that extra population is hurting the economies of some of our friends, the obvious inference is to take this excess burden of population off of them and bring it over here where it will be no burden.

The CHAIRMAN. Were you here when Mr. Louis H. Bean testified this morning?

Professor HARBERGER. No; I was not, sir.

The CHAIRMAN. He submitted a paper to the Commission in which he argues that the restrictive immigration policies of the past retarded the economic growth of the country.

Professor HARBERGER. That's an arguable proposition.

The CHAIRMAN. You have not seen his paper?

Professor HARBERGER. I have not seen his paper. I came independently to the conclusion it had not retarded the economic growth of the country but that substantial immigration would not hurt.

The CHAIRMAN. He went much further than that. He said if we had had the kind of immigration that had existed prior to the time of these restrictions, that our country would have been richer economically, and that we would have had a larger income.

Professor HARBERGER. We would have had a larger population and certainly a larger income, but the point I make—I don't know whether Bean said this or not—we would have a larger per capita income, and this is what I am arguing: we would have no smaller income.

Commissioner GULLIXSON. Just one question. I believe the Materials Policy Commission on which you worked gave considerable attention to the exhaustion of natural resources in America?

Professor HARBERGER. Yes.

Commissioner GULLIXSON. They covered particularly the land erosion by water and wind?

Professor HARBERGER. Well, in part.

Commissioner GULLIXSON. Supply of iron ore, for instance?

Professor HARBERGER. Yes, indeed.

Commissioner GULLIXSON. And your prognostications for the future would then be based on heavy importations from other countries of natural resources?

Professor HARBERGER. On substantial importations, yes.

Commissioner GULLIXSON. That would be in lumber products, forest products, and iron ore and petroleum?

Professor HARBERGER. In all of these things, but I would say more importantly in mining nonferrous metals, such as copper, lead, and zinc, where our own position is not as good for the future as it is in all of these.

Commissioner GULLIXSON. Then would you say that our position in the future would be based on international relationships to a degree not hitherto known?

Professor HARBERGER. Yes, indeed; necessarily.

Mr. ROSENFELD. Professor Harberger, you have said that substantial immigration would not hurt the United States. Do your calculations for the future and your estimates of the future indicate that more immigration will be needed for the United States, as well as merely not hurt it?

Professor HARBERGER. No; I can't see that finely into the future. I doubt that anybody can, to be able to assert that additional generalized immigration would be necessary. One thing, however, I can say, and that is that in certain specific industries there are certain specific skills on which we in the past have definitely relied on immigration and in which today we are fairly badly put, simply because the immigration has not been so rapidly forthcoming since 1920, let alone now.

The skills to which I refer are those into which American boys, people brought up in the American environment, somehow just don't want to go.

Mr. ROSENFELD. What are those?

Professor HARBERGER. I refer to barbers and tailors, and apparently coal mining is another field into which the young people of America are very, very reluctant to go, even at quite high wages. As a result, what is happening in each of these occupations is an aging of the population tree, so to speak, and we are now relying on very old barbers, very old tailors, and very old coal miners, and in the long run these people are going to die off, and we are going to have a terrible time trying to bribe young Americans, who somehow have an aversion to these occupations, to go into them.

Now, it seems to me that the obvious thing is to get Europeans or other people who have no aversion to these occupations, to bring them in and let them provide us with the same services at something like the same costs that we have been accustomed to paying in the past.

Mr. ROSENFELD. Would you be able to provide the Commission with a list of these various occupations and trades which are in this situation, or likely to fall in this situation?

Professor HARBERGER. I can certainly try.

Mr. ROSENFELD. Thank you. We would find it useful.

Mr. Chairman, I should like to request that the record remain open at this point for the incorporation of such a list if Professor Harberger is able to furnish it.

The CHAIRMAN. That may be done.

(The additional information furnished by Prof. Arnold C. Harberger is as follows:)

JOHNS HOPKINS UNIVERSITY,
DEPARTMENT OF POLITICAL ECONOMY,
Baltimore, Md., October 30, 1952.

Mr. HARRY ROSENFELD,

*President's Commission on Immigration and Naturalization,
Washington, D. C.*

DEAR MR. ROSENFELD: On Monday you requested a list of occupations in which a very considerable rise in remuneration would be necessary to induce native-born Americans to come in sufficient numbers to meet our future needs. On Monday I mentioned tailors and barbers. To these I would like to add furriers, shoemakers, miners, domestic servants, and possibly masons, waiters, and laundry operatives. Personally, I would not advocate special preferences to be set up for immigration in these categories. If immigration is unrestricted, we can rely on the immigrants themselves to choose to enter these fields in which remuneration is from their point of view quite high, although from the point of view of Americans it may be insufficient or barely sufficient to induce them to work there.

I must emphasize again that these judgments about the precise occupational classes for which the situation holds is a personal one, based only on my experience as a general economist. If you are interested in more precise information, I suggest that you get in touch with Mr. Seymour Wolfstine, who studies occupational outlooks for the BLS; Charles Stewart, who used to study occupational outlooks and is currently Deputy Director of the BLS; and Ernest Rubin, who is currently making a study on immigration for the National Bureau of Economic Research.

But I wish to emphasize again my belief that occupational discrimination is ill-advised. We cannot know in advance the areas in which immigrant labor will have the greatest comparative advantage, but we can rely on the self-interest of potential immigrants and on the self-interest of their potential employers to channel such immigrants as we admit into the appropriate occupations. One of the basic faults of our current immigration policy, it seems to me, is that by discrimination on criteria of national origin it effectively discriminates also along occupational lines. This is because the particular countries of origin from which we are willing to accept most of our immigrants currently are countries in which people have much the same aversions to particular occupations as do our own workers. I therefore would tend to use a list of occupations such as this, not to advocate occupational discrimination in favor of the occupations on the list but rather to show how our present immigration laws effectively discriminate against occupations on the list.

After my testimony, Mrs. Penton asked me to include in this letter a statement concerning the source of my estimate that the average worker in 1975 would have a real income about 50 percent higher than the average worker in 1950. In my testimony this estimate was associated with the labor-force increase of about 30 percent, which we assume in the Paley Commission study. Though not explicitly brought out in the Paley report, it is easily derivable from the figures on labor force and gross national product which are presented there.

I hope this information meets your immediate needs.

Yours sincerely,

ARNOLD C. HARBERGER.

The CHAIRMAN. Professor Harberger, we have had some testimony here and in other places that there is a movement away from the farms and that farm labor is also needed. Did you find that?

Professor HARBERGER. In certain places. It is a very much regionalized thing. It is still true of American agriculture as a whole that there is too much labor, but there are lots and lots of isolated places, particularly the more prosperous areas, in which something like a labor shortage has developed. You see, in agriculture as a whole, most of the population is on these poor farms in the South, and one

of the great economic problems of our country has been to try to get these people off the farm into more productive pursuits, and this, I think, still characterizes American agriculture as a whole when you count that in. When you get out to the citrus-fruit area and to a lot of the places which use highly seasonal picking labor and things like that, it is certainly true that something like a labor shortage exists, or holds at least seasonally in lots of these agricultural areas.

MR. ROSENFELD. I wonder, Professor Harberger, if you had any observation on a statement made by the Assistant Secretary of Agriculture, KNOX T. HUTCHINSON, this morning. He said: "Almost one-third of the States said"—he is reporting on a survey—"their greatest manpower difficulty was the short supply of regular year-round hands." Then he goes on to say: "One-fourth said their problem was the short supply of both regular and seasonal labor." I call your attention to the first observation that one-third of the States found their greatest manpower difficulty in year-round shortages.

PROFESSOR HARBERGER. This is within agriculture?

MR. ROSENFELD. Within agriculture. Does that conform with your findings?

PROFESSOR HARBERGER. This particular area of agriculture has not been a study of my own, and I can only claim to have done a reasonable amount of reading and watching the figures. My suspicion here is that the reason why these people find a shortage of agricultural labor generally is because they don't realize that the price of labor all over the country has gone up, and they are trying to get labor at the good old wages and are not ready to pay the competing prices which actually compete with industry in the cities.

THE CHAIRMAN. Professor, that isn't what we heard from other witnesses around the country. Take the small farmer, for instance. In the old days, we were informed, he kept his sons at work for a certain period of time; now they go off to school, go off to college, they go to the university, and when they finish they don't want to come back on the farm and help the parent with the farm chores. They are in the professions or in some other line of work. That was also stated to be true of the small farmer, and it was also indicated to us that he can't pay the workers that he had the wages that they can get in the large cities and in the factories, and so they leave the farm. As a result, it has been reported that the farmer is unable to gather the labor supply that he did before, whether it was in his own family or whether it was the hired man, not because he doesn't know that a new day has come in wages, because he is also earning more through his crops than he ever received before. But there appeared to be a definite shortage, a year-round shortage in some areas of the country. But you say you haven't prepared any figures yourself, or you haven't made the study?

PROFESSOR HARBERGER. No; I haven't.

THE CHAIRMAN. That's what apparently led to the statement that almost one-third of the States of the United States reported to the Department of Agriculture on the survey, that there was a shortage of regular, year-round hands, and on top of that there are seasonal shortages which lead to the importation of the "wet-back" and other seasonal laborers.

Thank you very much, Professor, we appreciate your coming.

Is Mr. Davis here?

STATEMENT OF HON JAMES P. DAVIS, DIRECTOR OF THE
OFFICE OF TERRITORIES, U. S. DEPARTMENT OF THE
INTERIOR

Mr. Davis. I am James P. Davis, Director of the Office of Territories, Department of the Interior, Washington, D. C.

Mr. Chairman and gentlemen, we appreciate the opportunity to appear here and to discuss the Immigration Act in the light of our situation in the Department of the Interior. Up to the present moment the Department of the Interior does not find that it has any observations to present on the major provisions of the act or on its general philosophy. The problems with which we are concerned are rather limited in scope and affect only the passage of both aliens and citizens between our Territories and the mainland of the United States, and in some cases between Territories. Let me say parenthetically and briefly that we are using the word "Territories" here in its broad sense of areas under the jurisdiction of the United States which are not States.

My office in the Department of the Interior has a general responsibility for Federal relations with those Territories. We are sort of a "department of the exterior" of the Department of the Interior. Those Territories at the present time, though, to which I shall be referring later, include Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, the Marianas, Samoa, and the Territory of the Pacific Islands, the former Japanese mandated area which is now under a civilian administration set up by Executive order under the general direction of the Secretary of the Interior.

We, as I said, are very happy to call to the attention of this Commission some of our views in regard to these areas. The immigration law has not always taken into account the particular problems confronting the Territories of the United States, and the new Immigration and Nationality Act is, in our view, open to criticism in several particulars. I should like to comment on some of these problems briefly by reading a prepared statement and to offer a more detailed written statement for incorporation in the record.

The CHAIRMAN. You may do so.

Mr. DAVIS. First of all, we are deeply disturbed by the provision of the new act, section 212 (d) (7), which imposes restrictions upon the travel of aliens from the Territories to the continental United States. Section 212 (d) (7) requires that an alien who has been lawfully admitted to Alaska, Hawaii, Puerto Rico, the Virgin Islands, or Guam, and who then comes to the continental United States, must be examined at the time of his entry into the continental United States, to determine whether he is within any of the classes of persons who are excluded from admission. The Immigration and Nationality Act applies to Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam as fully as it applies to the continental United States. No alien can enter these Territories without being as thoroughly screened upon admission as he would be were he entering at San Francisco or New York. If he is barred from entering the continental United States, he is also barred from entering these Territories. In effect, the language of section 212 (d) (7) means that an alien, lawfully admitted to one of the Territories, cannot later travel to the continental United States without being subjected to a second examination.

This requirement appears to us to be burdensome, valueless, and discriminatory. An alien residing in Alaska, which is a part of the United States as defined in the Immigration and Nationality Act, should be as free to travel to Seattle as an alien residing in Seattle is now free to travel to Spokane. Each is traveling from and to points within the United States. There should be no greater burden upon one than upon the other.

But, in addition, in order adequately to enforce the provision, it appears that all persons traveling from the Territories to the continental United States, whether they be citizens or aliens, will necessarily be screened in some manner. Until regulations for the enforcement of section 212 (d) (7) are issued, we cannot know what forms this screening process will take. But enforcement authorities cannot determine whether an alien has met the requirements of section 212 (d) (7) unless they are first able to determine whether he is or is not an alien. It, therefore, appears reasonable to assume that United States citizens, as well as aliens, will be required either to carry documentation or to submit to questioning before they are allowed to enter the United States from the Territories. Introducing such complications to travel between the Territories and the continental United States can produce no salutary consequences. Normal intercourse with the Territories will be hindered, and this in turn may be expected to affect adversely the rapidity of Territorial development.

At this point I should like to introduce some figures as to the volume of this travel. I have the total volume of such travel to the mainland for Hawaii, Alaska, and Puerto Rico for the years 1950 and 1951. For Hawaii the total number of aliens was 4,203 for 1950; 7,446 for 1951. Citizens from Hawaii to the mainland, 70,403 in 1950 and 82,877 in 1951. From Alaska I do not have a breakdown for aliens, but the total number of persons from Alaska to the mainland was 84,376 in 1950 and 111,570 for 1951.

Commissioner PICKETT. Do these people come on visitor's visa, or do they have no visa?

Mr. DAVIS. They are American citizens, they are in precisely the same shape as you would be if you went from here to New York.

Commissioner O'GRADY. Did you say the new act has more rigid restrictions than the old law?

Mr. DAVIS. The new act would apparently require a more rigid screening of the persons coming to the mainland than the previous act. It has been the custom since the war days to have an immigration check made at the airport, usually at the point of departure in Puerto Rico and in Alaska. I believe that has not been true in Hawaii. I can't say for sure about that. There has been some sort of a slight immigration check on persons coming onto the planes or ships coming to the mainland. But this would apparently require a much more careful examination and documentation of such persons.

If I may complete the figures, Mr. Chairman?

The CHAIRMAN. Did you say aliens from Alaska is 84,376?

Mr. DAVIS. No; there is no breakdown between aliens and citizens for that one.

Commissioner O'GRADY. Would that include people coming in for business, businessmen?

Mr. DAVIS. Business, pleasure, all purposes. This is the total volume of the traffic.

From Puerto Rico to the mainland in 1950, 5,351 aliens and in 1951, 6,528 aliens. In 1950 there were 117,507 citizens and 144,021 in 1951 from Puerto Rico.

I give you those figures merely to illustrate that this is not a trifling and insignificant matter but one that does affect the convenience and the efficient and rapid movement of very large numbers of American citizens, as well as those aliens who happen to be in the Territories.

Although the legislative history of the section is not revealing, we surmise that it was motivated by a belief that the security of the United States required it. I submit that security considerations are no less important in the Territories than they are in the continental United States, and that in such strategic areas as Alaska, Hawaii, and Guam, they may, in fact, be even more important than in many other areas of the United States. A person who cannot enter the continental United States should hardly be allowed to enter one of these Territories. There is no reason to assume that immigration officers will be less vigilant in the performance of their duties in the Territories than they are elsewhere in the United States. And there is, therefore, I suggest, no reason to require the same alien to be twice examined.

I, therefore, urge, first, that section 212 (d) (7) be struck from the Immigration and Nationality Act.

I would secondly call to your attention a problem relating to the entry into the United States of residents of the Trust Territory of the Pacific Islands. In 1947 the United States Government approved the Trusteeship Agreement with the Security Council of the United Nations, providing for the administration by the United States of the territory comprehending the Marshall, Mariana, and Caroline Islands formerly under Japanese mandate. By Executive order of the President, the Department of the Interior was charged with the administration of civil government in the trust territory effective July 1, 1951. This Government has assumed responsibility under the Trusteeship Agreement for the economic, political, social, and educational advancement of the trust territory, and we have, among other things, authority to enact such legislation as may be necessary to advance the purpose of the agreement.

There have always been close ties between the people of the trust territory and the people of Guam. The two areas are culturally similar, and Guam, located close to the geographic center of the trust territory islands, has become a commercial and educational center for the entire area. Because the Immigration Act of 1924, with its quota and documentary requirements, has never applied to Guam, movement by trust territory residents into Guam has been comparatively free. They have entered Guam to attend school, to visit friends and relatives, and to carry on business. It is important that they continue to do this, for Guam offers educational and commercial opportunities which are of real importance to the development of the trust territory.

The Department of the Interior has prepared organic legislation for the trust territory which we contemplate will be introduced in the Eighty-third Congress. The legislation will confer trust territory citizenship upon natives of the trust territory, and it will also provide for the amendment of the Immigration and Nationality Act to allow

the entry into the United States without passports or visas of nonimmigrants from the trust territory. In view of the trust territory annual quota of 100, comparatively few trust territory citizens will seek to enter the United States as permanent residents, and we believe that, with respect to them, the documentary requirements generally applicable to all other aliens will not be unduly onerous. But the problem with respect to nonimmigrants is far greater. We believe they ought to be allowed to enter Guam, and, if their interests require it, Hawaii and the continental United States as well, without being required to secure the documentation required of most other aliens. We consider that the obligations of the United States as administering authority of the trust territory justify the relaxation of immigration barriers to this extent, and that such relaxation is required in order to encourage the development of the trust territory.

We therefore urge that a new section be added at the end of title II of the Immigration and Nationality Act, and that such a section provide that while citizens of the trust territory shall be deemed to be aliens for purposes of Federal immigration laws, subject to all such laws, citizens of the trust territory who enter the United States as nonimmigrants shall be exempt from the documentary requirements generally imposed upon nonimmigrants. We suggest that the High Commissioner of the trust territory, with the approval of the Secretary of State, be authorized to issue regulations governing the entry of nonimmigrants who are trust territory citizens. Proposed language to accomplish this purpose appears in my written statement.

Thirdly, we recommend the expansion of the two definitions of "child" in the new act to include adopted children. The present definition of "child," which in effect excludes adopted children for non-quota-immigrant purposes, presents a problem with respect to the movement of United States nationals from American Samoa to other parts of the United States.

Because of common cultural ties, close family relationships, and geographic proximity, the people of American and Western Samoa constitute in effect one community, although Western Samoans are aliens while American Samoans are United States nationals.

Western Samoa, for the information of the committee, is a trustee-ship under the administration of New Zealand. American Samoa is a territory under the administrative supervision of the Department of the Interior, an American territory. Many American Samoans have adopted children of Western Samoan extraction. Should these American Samoans wish to travel to other parts of the United States, they will be able to do so, while still keeping their families intact, only if quota numbers are available for their adopted children. Many American Samoans have already traveled to Hawaii and the continental United States, and we anticipate that more will follow, for the present Samoan economy cannot adequately support the growing Samoan population. But this migration could be deterred if, because of the narrow definition of "child," United States nationals could not bring their adopted children with them to their new homes.

We urge, therefore, that the definition of "child" for immigration purposes be expanded to include adopted children. And we further urge that the definition for naturalization purposes be expanded to include, at least, children adopted under the laws of American Samoa.

Fourthly, we recommend that an effort be made to clarify the status

of certain Filipinos, numbering between three and four thousand, who are now residing in Hawaii. These Filipinos entered Hawaii in 1946 under a section of the Philippine Independence Act which authorized the Department of the Interior to introduce Filipino labor to meet the needs of Hawaiian industry. In 1945 and 1946, the Hawaiian pineapple and sugar industries faced a critical labor shortage. Some 6,000 Filipinos, who were then United States nationals, were at that time brought into Hawaii under regulations of the Department of the Interior. Many of them have since returned to the Philippines, but several thousand remain. Those remaining are under no obligation to return, for neither the law, the Department regulations, nor their labor contracts required it. Although they were "legally admitted" in 1946 and were at that time nationals, they were not "legally admitted for permanent residence" and they have, since July 4, 1946, been considered aliens. They are not now free to move anywhere outside of Hawaii. They can enter the United States only as nonimmigrants or as nonquota immigrants. If they were to travel to foreign territory, they could only reenter Hawaii under existing immigration laws.

These Filipinos have long since been absorbed in the Filipino community in Hawaii. They have married, become employed and settled, and many are the parents of United States citizens. There is nothing to single them out from the many United States citizens of Filipino extraction residing in Hawaii. They were carefully screened upon their original entry under Interior Department regulations and they were medically examined by officers of the United States Public Health Service.

We therefore urge that these persons be accorded the status of permanent residents, so that they may become naturalized citizens and may travel freely to all parts of the United States.

Finally, I should like to refer to the matter of the entry into the Virgin Islands of the United States of residents of adjacent islands in the Caribbean.

In effect, that refers only to the residents of the British Virgin Islands, which are immediately adjacent to the Virgin Islands of the United States, divided only by a narrow water channel, and which have habitually for centuries passed back and forth very freely. This is a problem with which the Department of the Interior has long been concerned, and we are pleased that the new immigration act assists in bringing about a solution. We are concerned, however, that the regulations to be issued to carry out the provisions of section 212 (d) (4), may provide for the waiver of documentary requirements only with respect to nonimmigrants from adjacent islands who are entering the Virgin Islands for 29 days or less. This time limit has been imposed in the past, and it appears likely that it will be imposed again. The time limit, we are informed, results from the alien-registration provisions which require registration of all aliens who are present in the United States for 30 days or more. We believe that there are many instances in which visits of longer than 29 days are desirable and necessary, and that the alien-registration provisions, while requiring such nonimmigrants to register, do not themselves prevent visits of over 29 days. We believe that documentary requirements should be waived with respect to nonimmigrants entering the Virgin Islands from adjacent islands for periods up to 6 months, and we further believe that it would be desirable if the Attorney General were

to provide a simple system for the registration of such nonimmigrants, as he is authorized to do under section 263 (a) of the act.

That concludes the reading of my oral statement, Mr. Chairman. Unless there are any questions, I would like to submit for the record a more detailed prepared statement.

The CHAIRMAN. Thank you very much, Mr. Davis.

Your detailed statement will be inserted in the record.

(The detailed statement follows:)

The United States immigration laws have not always taken into account the particular problems confronting the Territories of the United States. In the view of Territorial residents, and of the Department of the Interior, the new Immigration and Nationality Act is open to criticism in several particulars. I should like to point out these problems and to suggest possible solutions to them.

1. Travel from the Territories to the continental United States

Section 212 (d) (7) of the Immigration and Nationality Act provides, in pertinent part, as follows:

"The provisions of subsection (a) of the section, except paragraphs (20), (21), and (26), shall be applicable to any alien who shall leave Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States, and who seeks to enter the continental United States * * *."

Subsection (a) of section 212 prescribes the classes of aliens ineligible to receive visas and excluded from the United States. The Immigration and Nationality Act applies to Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam as fully as it applies to the continental United States. No alien can enter any of the five designated Territories without being as thoroughly screened upon admission as he would be were he entering at San Francisco or New York. An alien who is barred from entering the continental United States is also barred from entering the five Territories.

In effect, the language of section 212 (d) (7) means that an alien who has been lawfully admitted to one of the five designated Territories and who then comes to the continental United States, must be examined a second time to determine whether he is within any of the classes of persons who are excluded from admission into the United States.

We believe that no useful purpose can be served by requiring such a second examination. The requirement appears to us to be burdensome, valueless, and discriminatory. An alien residing in Alaska, which is a part of the United States as defined in the immigration law, should be as free to travel to Seattle as an alien residing in Seattle is now free to travel to Spokane. Each is traveling from and to points within the United States. There should be no greater burden upon one than upon the other.

But, in addition, in order adequately to enforce the provision, it appears that all persons traveling from the Territories to the continental United States, whether they be citizens or aliens, will necessarily be screened in some manner. Until regulations for the enforcement of section 212 (d) (7) are issued, we cannot know what form this screening process will take. But enforcement authorities cannot determine whether an alien has met the requirements of section 212 (d) (7) unless they are first able to determine whether he is or is not an alien. It therefore appears reasonable to assume that United States citizens, as well as aliens, will be required either to carry documentation or to submit to questioning before they are allowed to enter the United States from the Territories. Introducing such complications to travel between the Territories and the continental United States can produce no salutary consequences. Normal intercourse within the Territories will be hindered, and this in turn may be expected to have an adverse effect on the rapidity of Territorial development.

Although the legislative history of section 212 (d) (7) is not revealing, we surmise that the drafters were motivated by a belief that it would advance the security interests of the United States. We submit that security considerations are no less important in the Territories than they are within the continental United States. This is surely particularly true of such strategic areas as Alaska, Hawaii, and Guam. A person who cannot enter the continental United States for security reasons should not be allowed to enter the Territories. We would hope and anticipate that immigration officers would be as conscientious in the performance of their duties in the Territories as they are in the continental United States, and that a second examination of the same alien would be mere duplication.

We would also point out that the Immigration Act of 1917, as amended, which has prescribed the categories of excludable aliens now incorporated in section 212 (d) (7) of the new act, has from the outset applied to the designated Territories (8 U. S. C., 1946 ed., sec. 173). Persons barred from entering the continental United States under section 3 of the 1917 act have also been barred from entering Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam.

We urge, therefore, that section 212 (d) (7) be entirely struck from the act, and that the Territories to which the act applies be treated, for all purposes, as parts of the United States.

2. *Immigration into the United States by citizens of the trust territory*

Under the trusteeship agreement with the Security Council of the United Nations, approved by the United States Government on July 18, 1947, the United States is designated as the administering authority of the Trust Territory of the Pacific Islands, a territory comprehending the Marshall, the Mariana (excluding Guam), and the Caroline Islands, formerly under Japanese mandate. The Department of the Interior, by Executive Order 10265 of June 29, 1951, is charged with the administration of civil government in the trust territory. In the trusteeship agreement, the Government of the United States has assumed responsibility for the economic, political, social, and educational advancement of the territory, and it is authorized, among other things, to "enact such legislation as may be necessary" to carry out the provisions of the agreement.

Because the people of the trust territory and the people of Guam are ethnically and culturally similar, the community of interest and the intercourse between the two areas have always been great. Guam is not a part of the trust territory, but because it is close to the geographic center of the trust-territory islands, Guam has become a commercial and educational center for the entire area. Under existing law, movement into Guam by trust-territory residents has been quite unrestricted. Although the Immigration Act of 1917, with its qualitative restrictions on the entry of aliens, has always applied to Guam, the Immigration Act of 1924, which imposes quota and certain documentary requirements, does not. Trust-territory residents have therefore entered Guam comparatively freely to attend school, to visit friends and relatives, or to carry on business. It was important that they do so in the past, and it will be equally important in the future, for Guam offers educational and commercial opportunities which are of real importance to the development of the trust territory.

The Department of the Interior has prepared organic legislation for the trust territory which, we contemplate, will be introduced in the Eighty-third Congress. The legislation will, among other things, confer trust-territory citizenship upon natives of the trust territory, and it will also provide for the amendment of the Immigration and Nationality Act to allow the entry into the United States without passports or visas of nonimmigrants who are trust-territory citizens. In view of the trust-territory annual quota of 100, comparatively few trust-territory citizens will seek to enter the United States as permanent residents, and we believe that with respect to them the documentary requirements generally applicable to all aliens will not be unduly onerous. But the problem with respect to nonimmigrants, particularly temporary business visitors, tourists, and students, is far greater. We believe they ought to be allowed to enter Guam, and, if their interests require it, Hawaii and the continental United States as well, without being required to secure the documentation required of most other aliens. We consider that the obligations of the United States as administering authority of the trust territory justify the relaxation of immigration barriers to this extent, and that such relaxation is required in order to encourage the development of the trust territory.

We therefore urge that the following section 293 be added at the end of title II of the Immigration and Nationality Act:

"Citizens of the Trust Territory shall be deemed to be aliens for purposes of the immigration and naturalization laws of the United States and shall be subject to all such laws: *Provided*, That the provisions of the immigration laws which impose documentary requirements upon aliens entering the United States as nonimmigrants shall not apply to citizens of the Trust Territory entering the United States as nonimmigrants. Entry of such citizens into the United States as nonimmigrants shall be in accordance with regulations issued by the High Commissioner with the approval of the Secretary of State."

3. *Inclusion of adopted child within the definitions of "child"*

For purposes of titles I and II of the Immigration and Nationality Act, the term "child" is not defined to include adopted children, although it does include

stepchildren. For purposes of title 11, the naturalization provisions, only children adopted within the United States are included. As a result, it appears that the alien-adopted children of United States nationals cannot enter the United States for permanent residence except as quota immigrants. We are concerned about this matter because such narrow definitions of the term "child" threaten the freedom of movement of United States nationals living in American Samoa, and they could ultimately result in the breaking up of American Samoan families.

Because of common cultural ties, close family relationships, and geographic proximity, the people of American and Western Samoa in effect constitute one community. Great numbers of American Samoans have adopted Western Samoan children, and should these parents wish to travel to the United States, their adopted children will be able to accompany them only if there are quota numbers available. Because of the limited employment opportunities in American Samoa, many Samoans have traveled to and settled in Hawaii and the continental United States. We anticipate that others will follow this course, for the present Samoan economy cannot adequately support the growing Samoan population. We believe that this migration, which is of benefit to American Samoa, could be deterred if the definition of "child" is not expanded to include adopted children. United States nationals in American Samoa will be loath to leave the territory if part of their families must be left behind.

We therefore urge that the definition of "child" in section 101 (b) (1) be expanded to include adopted children. In order to make such a child eligible for naturalization, it would also be necessary to expand the definition in section 101 (c) (1) to comprehend children adopted outside of the United States, as defined in section 101 (a) (38). The precise problem with which the people of Samoa are concerned could be solved if the definition of the United States, for this single purpose, were expanded to include American Samoa.

4. Status of Filipinos admitted into Hawaii under Philippine Independence Act

Section 8 (a) (1) of the Philippine Independence Act of March 24, 1934 (48 Stat. 456, 462), provided as follows:

"For the purposes of the Immigration Act of 1917, the Immigration Act of 1924 (except section 13 (c)), this section, and all other laws of the United States relating to the immigration, exclusion, or expulsion of aliens, citizens of the Philippine Islands who are not citizens of the United States shall be considered as if they were aliens. For such purposes, the Philippine Islands shall be considered as a separate country and shall have for each fiscal year a quota of fifty. This paragraph shall not apply to a person coming or seeking to come to the Territory of Hawaii who does not apply for and secure an immigration or passport visa, but such immigration shall be determined by the Department of the Interior on the basis of the needs of industries in the Territory of Hawaii."

Under the last sentence of this section, the Secretary of the Interior on June 15, 1934, issued regulations governing the importation of Filipino workers to Hawaii. The only importation of consequence under the act occurred in 1946, when some 6,000 laborers were admitted into Hawaii, following an executive order of the Governor of Hawaii dated August 11, 1945, finding that a critical labor shortage existed in the pineapple and sugar industries. These laborers, who, with their wives and children totaled 7,361, were admitted pursuant to the 1934 regulations, as amended on October 9, 1945. At the time of their entry in the early months of 1946, they were nationals of the United States.

On July 4, 1946, Philippine Independence Day, all Filipinos who had entered Hawaii between May 1, 1934, and July 4, 1946, became aliens for all purposes. Many of the group of 7,361 who entered in 1946 later returned to the Philippines, although neither the 1946 statute, the regulations issued thereunder, nor the labor contracts required it. But some three to four thousand remain, and they deserve to have their status clarified. These remaining Filipinos have, for all purposes, become permanent residents of the Territory. They have married, become employed and settled, and many are parents of United States citizens. They have been totally absorbed in the Filipino community in Hawaii, and except for their immigration status, they are indistinguishable from the many United States citizens of Filipino extraction residing in Hawaii. Although they were "lawfully admitted" into Hawaii under the 1934 act, they were not, of course, "lawfully admitted for permanent residence," and they are therefore not now free to travel to other parts of the United States except as nonimmigrants or nonquota immigrants. Most are disabled from traveling outside the United States, for as aliens, they cannot be readmitted except under the terms of the immigration laws.

The regulations under which these Filipinos were originally admitted provided

that 10 classes of persons should not be allowed entry. Paragraph 7 of the regulations, as amended, provided for the exclusion of the following persons:

"(a) Idiots, imbeciles, feeble-minded persons, epileptics, insane persons, persons who have had one or more attacks of insanity at any time previously,

"(b) Paupers, professional beggars, vagrants,

"(c) Persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease,

"(d) Persons not comprehended within any of the foregoing classes who are found to be and are certified by the examining physician as being mentally or physically defective, such mental or physical defect being of a nature which may affect their ability to earn a living,

"(e) Persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude,

"(f) Polygamists, or persons who admit their belief in the practice of polygamy,

"(g) Anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law, or the assassination of public officials,

"(h) Prostitutes, or women or girls coming to Hawaii for the purpose of prostitution or for any other immoral purpose, or persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose,

"(i) Persons engaged in the illicit narcotic or other illicit traffic,

"(j) Persons not within the age limits, if any, prescribed in the order approving the application" (age limits of 18 and 45 years were prescribed in the Governor's order of August 11, 1945).

It will be noted that this paragraph of the regulations closely parallels section 3 of the Immigration Act of 1917, excluding such laborers as would fall within most of the classes or aliens who were not admissible under that act. Furthermore, the regulations required each of the laborers to be medically examined by an officer of the United States Public Health Service. Consequently, although these persons were admitted without regard to the immigration laws, there was in fact substantial compliance with those laws.

We urge, therefore, that the status of these Filipinos be clarified and that they be accorded the status of permanent residents, so that they may become naturalized citizens and may travel freely to all parts of the United States. We suggest that this status be conferred upon "such citizens of the Philippine Islands as entered the United States in accordance with the last sentence of section 8 (a) (1) of the Philippine Independence Act, without regard to the provisions of the Immigration and Nationality Act." Should it appear to the Commission that a further screening of these persons is desirable before they acquire the status of permanent residents, we suggest that they be exempt from all provisions of the Immigration and Nationality Act, except for subsection (a) of section 212, excluding subparagraphs (14), (20), and (26).

5. Entry of nonimmigrants from adjacent islands of the Caribbean

We should like finally to call to your attention a problem which, we believe can be remedied by administrative action and will not require an amendment to the Immigration and Nationality Act. Under existing regulations, certain nonimmigrants from the Caribbean possessions of the United Kingdom, France, and the Netherlands, may enter the Virgin Islands of the United States for less than 30 days without passports or visas (8 C. F. R. 176.107 (p)). We presume that an appropriate waiver will be issued pursuant to section 212 (d) (4) of the new act, so that such entry into the Virgin Islands by residents of adjacent islands may continue. Because of their common nationality, their close family ties, and their geographical proximity, residents of the "adjacent islands" described in section 101 (b) (5) of the act have strong reasons for wanting and needing to travel freely into the Virgin Islands.

It is probable, however, that the regulations issued pursuant to section 212 (d) (4) of the Immigration and Nationality Act will limit the visits of non-immigrants from adjacent islands to 29 days in the Virgin Islands. We have been advised that this time limit has been applied in the past because the Alien Registration Act required aliens remaining in the United States for 30 days or more to register under the act. Section 262 of the Immigration and Nationality Act contains a similar provision. Because alien registration has been effectuated at the time of application for a visa, such persons as residents of the British Virgin Islands, admissible without visas, have not automatically complied with the registration requirements. As a consequence, the regulations have thus

far limited residents of neighboring islands to 29-day visits. In "emergent or other extraordinary cases," an extension may be granted (8 C. F. R. 119.4 (c)), in which event the alien registers under the Alien Registration Act, but such extensions are granted only in cases of very extreme emergency. This time limit has been extremely burdensome to many visitors, and particularly to students, who, in some instances, may be classified as temporary visitors, for many have been compelled to return home at least every 29 days in order to reestablish the legality of their presence in the Virgin Islands, without documentation. The paucity of United States consuls in the Caribbean area has generally prevented these people from securing the usual documentation of nonimmigrants.

Because there are numerous instances in which visits of over 29 days are necessary and desirable, even though they may not be "extraordinary" cases, we recommend that the regulations waiving documentary requirements with respect to persons entering the Virgin Islands from adjacent islands provide for visits for periods up to 6 months. We do not believe that alien registration requirements prevent the extension of these visits beyond 29 days, and that under section 263 (a) of the new act the Attorney General could provide a simple system for the registration of such nonimmigrant aliens on extended visits.

The CHAIRMAN. The next witness will be Mr. Edward M. O'Connor.

**STATEMENT OF EDWARD M. O'CONNOR, CONSULTANT TO THE
PSYCHOLOGICAL STRATEGY BOARD, FORMER COMMISSIONER,
UNITED STATES DISPLACED PERSONS COMMISSION**

Mr. O'CONNOR. I am Edward M. O'Connor, at present consultant to the Psychological Strategy Board and former Commissioner of the United States Displaced Persons Commission.

The CHAIRMAN. If I recall correctly, weren't you awarded the Catholic Action award in 1950 for being the outstanding Catholic layman?

Mr. O'CONNOR. Yes, sir. I should like to make it clear that I am here today to give of my previous 4 years' experience with the United States Displaced Persons Commission, which I felt compelled to give to your Commission.

Mr. Chairman and members of the Commission, with your permission, I would like to submit for your consideration and for the record a copy of an article which I wrote and which will appear publicly in a monthly called Catholic Action in the next few days. The title is "The Immigration Debate and Its Central Issue." Secondly, I would like to have the opportunity within the next 24 hours to submit a second article, entitled "The Brussels Conference," which will appear in the December issue of the Social Service Review, dealing with the question of the Brussels conference, which cuts across questions you are dealing with here.

The CHAIRMAN. Fine. We will insert your articles in the record at this point.

(The articles referred to follow:)

THE IMMIGRATION DEBATE AND ITS CENTRAL ISSUE

By Edward Mark O'Connor

A red-hot debate about immigration policy is on again. Like all the other debates on this subject, and we have had them since the first session of Congress, the sides are sharply divided and the ammunition varied. But this time the debate is taking place at a stage in world affairs the like of which has never before confronted the Nation.

To understand the vigor and magnitude of this debate, we must first understand the immediate causes for it. In the first place, the entire world is in the throes of a crisis, perhaps the most critical ever to confront our civilization. It is essentially an ideological struggle in which the forces of darkness and tyranny are pitted against the forces of freedom, free institutions, and human dignity. So intense and joined is this struggle that thinking men more and more are becoming convinced that one side or the other must win, and victory for one means obliteration for the other. The outcome of this conflict could very well determine the course of history and the type of world man must live in for centuries to come.

This conflict has created problems which test the very foundation of our civilization. These are problems which we and all other freedom-loving people must face up to squarely and resolutely. Our failure to do so can bring nothing but disaster to everything we hold dear in life.

There is little question but what the greatest problems growing out of this struggle are the human problems. This is so because the greatest strength and treasure of our cause is found in the dignity and worth of the individual. Just the opposite is true of our adversary. As a consequence, it behooves us to take a careful look at the condition of our human resources.

As we look to Europe we find two very disturbing weaknesses. The first is that which is caused by the thousands of persecuted people who have escaped the oppression of communism to find asylum in the free world. They come from Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, and Soviet Russia (including Ukrainians, Byelorussians, Georgians, Armenians, Cossacks, and other non-Russian people). We call them escapees—escapees from communism—with all that it signifies. They find asylum for the most part in West Germany, West Austria, Italy, Greece, and Turkey. Their lot is a desperate one. All they seek is the opportunity to join the forces of free men where they can work and live in dignity.

The second is that which is caused by overpopulation, and its victims are those who do not play a useful part in or share the benefits of the civilization of which they are a part. They do not share because the economy and natural resources of their country do not now and cannot in the foreseeable future use their labor, skills, and talents. These tremendous human resources must not be wasted or permitted to lie idle. They are the special target of the Red conspirators who ruthlessly exploit every weakness in the social structure of the free world. The countries handicapped by overpopulation are West Germany, Italy, Greece, and the Netherlands. We must remind ourselves all of these countries must stand as bastions of the free world, all are or will soon be members of the North Atlantic Treaty Organization. They are our full partners in the struggle to preserve our way of life. We cannot help but admire them when faced with overpopulation at home they keep open their doors of asylum to those who are suffering the fate of martyrs in the east.

Our allies cannot solve these two large human problems alone. They need our help and good example which can best be done by deeds. The question is: How do we give the most effective help? Last March President Truman, in a special message to the Congress, called attention to these two problems and made it clear that finding a solution to them was of the highest urgency. He first of all pointed out that this was a task for the free world itself and that American leadership was necessary, just as it was in getting the problem of displaced persons resolved. To that end he proposed that there be admitted into the United States a total of 300,000 immigrants over a 3-year period, to be selected from among the escapees from communism and the victims of overpopulation. The same safeguards as applied in the Displaced Persons Act of 1948 as to security, housing, employment, etc., were to be essential parts of this plan. It was left to Congress to determine what form this action should take. Congress could enact temporary, emergency legislation wherein the immigrants would be nonquota, or it could adjust the basic immigration law to provide for the pooling of unused quotas authorized under the national-origin formula.

To carry out the President's recommendations, model bills were introduced by Congressman Celler of New York and Senator Hendrickson of New Jersey.

Public hearings on the problem were held by the Judiciary Committee of the House. However, no action was taken by the Congress before adjournment, and there the issue rests.

What is important to note here is that once again we are held powerless, by law, to do our part and thus give positive leadership to the free world in its efforts to increase its internal strength.

The mathematical formula for the national-origin feature of the immigration law was written at a time (1922) when our national administration was seeking to completely isolate us from the rest of the world. It certainly was not written at a time when the very survival of our Nation was at stake, as it is today, or in the spirit of self-enlightened leadership which has been forced upon us by the threat of aggressive Red tyranny. The strength of a democracy rests in large part in its flexibility to meet any situation at any given time. It is hamstrung when its policy, domestic or foreign, is governed by an unnatural, mathematical formula and more so when such a formula was intended to remove flexibility and replace it with cold rigidity.

The national-origin formula is calculated on a percentage of the foreign-born persons of certain nationalities living in the United States as of a given year. The first such formula restricted immigration to 3 percent of the total foreign-born population in the United States as of 1910. This was passed by Congress but was pocket-vetoed by President Wilson on February 26, 1921. This same formula, however, was enacted into law on May 19, 1921. In 1924 the Sixty-fifth Congress took steps to further restrict immigration by narrowing down the nationality formula. In the long debates which attended this change, frequent emphasis was placed on the necessity to "preserve the basic strain of our population." The old formula which was based upon the total number of foreign-born residents in the United States was replaced by one based on the national origin of all the people living in the United States as of 1920. Through this device "quotas" were established for every country of the world. Thus the quota system is now based upon this mathematical formula: the quota of any nationality shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920, having that national origin, bears to the number of inhabitants in continental United States in 1920. The minimum quota of any nationality was set at 100.

Now, how did this formula work out? To begin with, Great Britain and Northern Ireland receive an annual quota of 65,721; Germany a quota of 25,957; Ireland (Eire) a quota of 17,853. Let us look at the countries suffering from over population and see how they fare. Italy, where the problem is gravest, receives an annual quota of 5,677; Greece, struggling to recover from the great devastation caused by the Communists, receives a quota of 310; the Netherlands, struggling with the results of loss of her colonies and a healthy birth rate, receives a quota of 3,153. While Germany has an annual quota of 25,957, 50 percent of it is already mortgaged because of the special requirements of the Displaced Persons Act of 1948, as amended.

Now, let us take a look at the quotas allotted to the captive nations of the Soviet Union—the quotas to which the escapees from communism must, by law, be charged. Estonia's quota is 116; Latvia, 236; Lithuania, 386; Poland, 6,524; Czechoslovakia, 2,874; Hungary, 869; Rumania, 291; Bulgaria, 100; Albania, 100; Soviet Russia, 2,798. Here again 50 percent of every one of these quotas is mortgaged for many years ahead because of the special requirements of the Displaced Persons Act of 1948, as amended. This means that you must divide by two each of the above quotas to determine how much help we can give to the escapees from communism.

You must be wondering by now to what use the quotas allotted to Great Britain and Northern Ireland and that of Ireland have been put. In the annual period ending June 30, 1952, a total of 21,663 quota numbers were used by Great Britain and North Ireland. In other words, they did not use or need 44,058 quota numbers. Ireland in the same period used 4,014, leaving 13,839 not used. This gives you some idea of the impractical results the national-origin formula has produced.

The new immigration law which comes into effect on December 24, 1952, provides that the quota for each nationality shall be one-sixth of 1 percent of the total of persons of like nationality resident in the United States as of 1920. This formula in no way increases quotas but in some cases further reduces them.

The total number of immigrants theoretically admissible to the United States in a year is slightly over 154,000. Records show that over a period of years only slightly more than 50 percent of the total quotas authorized each year have been used. The main cause of this is that quotas are allotted to some countries out of all proportion to their needs, while others are allotted a quota which is ridiculous when placed against their needs.

What is the answer to this problem? What can we do to make our immigration quota system work to our advantage in these days of national peril?

The most direct method would be to discard the rigid, impractical national-origin formula. In its place Congress could establish a total number of immigrants to be admitted each year without setting up a rigid formula for distribution of the quotas which would give the same impractical results as the national-origin formula. Provision could be made for a joint committee of the Congress, or an independent commission of outstanding citizens, or a combination of both, to determine how the quota numbers should be distributed. If a dual basis of domestic needs and international requirements was used to arrive at allocations, say, every 6 months, we would then be on the way to an elastic, dynamic immigration policy.

It is, perhaps, too much to hope for successful action on such a proposal in time to meet the immediate challenges posed by the escapees from communism and the victims of overpopulation. There is, however, an intermediate step which could salvage part of the initiative needed in our immigration policy. That would be to make provision for the reuse of quota numbers, lost in a given year, in the next quota year. This is called "pooling of unused quotas." Such a provision would probably make available somewhere between 70,000 and 75,000 quota numbers each year. In order for this approach to produce the best results, it will be necessary for Congress to decide how these numbers should be used. Several alternatives are open. Congress could allot them exclusively to escapees from communism and victims of overpopulation along the lines indicated in the model bills introduced by Congressman Celler and Senator Hendrickson. Another possibility is to grant the authority for redistribution to a joint committee of Congress, an independent commission of outstanding citizens, or a combination of both. The most important consideration is to put these unused quotas back to work in areas of the world where our own security interests are involved.

Quite recently Senator Lehman of New York publicly advocated the pooling of unused quotas to meet the international emergency and suggested the National Security Council be delegated the authority to redistribute the unused quotas. The National Security Council, with its high sensitivity to the demands of the international situation, would certainly know where, how, and when the unused quota numbers would do the most good toward increasing the collective security of the free world.

When all the debating is finished and the dust has settled in the arena, the central issue will be whether or not we have corrected the rigid formula of the National Origins Act. There are other questions on deportation, exclusion, and naturalization of immigrants which have been argued vigorously in recent months. Important as all these questions are to the evolution of a positive immigration law, they do not hold the center of the arena. The center of the arena is occupied by the national-origin formula, and it will remain there to plague us until we wake up to the great harm it is doing us in a world where we can't have too many friends.

THE BRUSSELS CONFERENCE¹

By Edward M. O'Connor

On November 26, 1951, there was convened at Brussels, Belgium, a conference of some 23 nations of the free world. The Belgian Government acted as host to this conference, which was brought about primarily through the initiative exercised by the Government of the United States. The purposes of this Conference were to discuss the problems growing out of overpopulation in certain of the Western European nations, the current effect these problems have upon the stability of the free world, the future dangers these problems were likely to create, and, finally, to determine what course of action was most likely to bring the fullest and most practical remedy to these problems.

There is a long history of human events preceding the Brussels Conference which might very well be considered the prime motivation for the convening of the Conference. Time will not permit me a detailed analysis of all these historic events, but a few high lights may lead us to a better understanding of the reasons behind American leadership in this matter.

¹Address by Edward M. O'Connor, Commissioner, Displaced Persons Commission, at the National Resettlement Conference, Hotel Conrad Hilton, Chicago, Ill., January 18-19, 1952.

It is a fact of history that the unbalanced relationship between the requirements of man and the resources necessary to survival has caused great human migrations. Man in search of these resources for survival has traveled over vast areas of the world. Some of these early mass migrations were peaceful in character, while others were attended by brutal warfare—even to the extent of wiping out entire civilizations. But in all these early mass migrations there stands out the factor of compulsion—compulsion brought about by the unbalanced relationship between the requirements of man and the resources necessary to survival.

This same factor of compulsion played a dominant role in the populating and development of the New World. It is true that other reasons drove people from their native lands to the uncertainties of the New World, such as religious and political persecution; but, again, the vast majority migrated because the civilization of which they were a part did not permit them to enjoy the human essentials to which man, as man, is entitled.

The century in which we live has witnessed two devastating wars, both brought about by actual or claimed necessity by one branch of the human family for a fuller participation in the resources of survival. It is worthless for us to argue whether this necessity was actual or claimed, because the fact remains that civilization has suffered the consequences of two wars. In each instance the leader first secured his followers by loud and grandiose promises of a fuller share in the resources for survival.

In the wake of World War II, we witnessed events which brought about a further unbalancing between the requirements of man and the resources for survival. Either these events have taken place in Western Europe or the end result of these events has come to rest upon one or several nations in that area.

The expulsion by the Soviet Union of between 10 and 12 million persons of German ethnic origin from the areas overrun by the Red armies during the course of the war is one of the saddest chapters in history. This expulsion, coupled with the action of the Soviet Union in unilaterally reordering the borders of occupied Poland and Germany (at terrible cost to the people of both countries), has put a dangerously heavy burden upon the democratic leadership of West Germany. Some indication of this burden may be taken from the fact that West Germany was required to import approximately 50 percent of its food requirements last year, and food certainly rates a high priority in the scale of resources for survival.

Italy, with a tradition of high birth rate, is now tending toward a leveling of population, but it is estimated that the next 6 years will be critical because of the extreme population imbalance which now exists. Before the outbreak of World War II, Italy was forced to develop a government-sponsored emigration program to relieve overpopulation, has paid and continues to pay a heavy price to retain its stature as a free nation. The loss of its former colonies has had a drastic effect upon the normal emigration program, because the colonies were their best outlet for emigrants. In addition, over 500,000 ethnic Italians were expelled from the colonies and the general Mediterranean area and returned to an overcrowded Italy. The situation was further aggravated by the ceding of the former Italian territory of Venezia Giulia to Yugoslavia, which in turn caused the expulsion or flight of some 140,000 ethnic Italians from that territory to Italy.

Greece has suffered the devastating results of World War II, and, before these damages could be repaired, the Kremlin forces in the form of so-called "guerrillas" descended upon this land to cause even greater damage. The dislocation of population, the wiping-out of entire villages and towns, and the destruction of land and physical resources which resulted from these aggressive acts, have put a dangerous burden upon this small but free nation. The all-out effort at reclaiming land and the rebuilding of the villages and towns still falls far short of the basic requirements of the native population. They too must develop a program of emigration in order to relieve the tensions that grow out of overpopulation.

The Netherlands prior to World War II was able to maintain a proper balance in population, owing primarily to her orderly and long-range settlement programs in her colonies. The traditional, healthy birth rate of the Netherlands was compensated by the easy facility with which her people could migrate to the colonies and become rapidly established as permanent settlers without cutting all ties with the homeland. With the loss of her major colonies, the long-range settlement programs came to a virtual standstill. On top of this, thousands upon thousands of her nationals, together with their families, were repatriated to the homeland from the former colonies. Thus, the Netherlands must develop a new

means of maintaining her long-range settlement programs if the necessary balances are to be maintained and a healthy society preserved.

Still another element has been added which tends to sharpen the problem of population balances in Western Europe. The oppressive tactics of the Soviet Union, as reflected in all the areas under its control and domination, has caused a constant flow of refugees from the east. These refugees have come from every one of the countries under the heel of the Kremlin and from the eastern zones of Germany and Austria. Today the vast majority come from Eastern Germany and Austria, and it is apparent that escape from the satellite states and the Soviet Union is becoming increasingly difficult. However, we should be mindful that circumstances of the future may reverse this trend—so uncertain are the days in which we live.

The western nations have continued to uphold the traditional principle of asylum for those fleeing religious and political persecution. It is indeed significant to note that three countries which by virtue of their geographical position are required to uphold this principle despite the fact they already are burdened by overpopulation—Germany, Italy, and Greece. Austria, Turkey, and Sweden are likewise demonstrating their adherence to this principle, again because their geographical position makes it necessary.

And finally we may not lose sight of the Red vulture—perched upon her emblem of world conquest—viewing with satisfaction the destructive results which come from overpopulation in any area of the world. She is mindful of the fact that unemployment and underemployment are the fertile grounds for discontent. She delights in the knowledge that so long as this condition prevails it is difficult, if not impossible, to bring about economic, social, and political stability. Her treacherous nestlings are busy fomenting every possible discord, suspicion, and despair among the people, speeding the day when chaos may permit her victory without the need of resorting to armed invasion.

The Congress of the United States took early recognition of the problems which were developing as a result of the forced migrations of people into free Europe. One of the most significant and farseeing amendments to the Displaced Persons Act of 1948 was section 16. Through this amendment, which received overwhelming support in the Congress, clear recognition was given to the need for inter-governmental action in meeting the problem. This was followed by an amendment to the ECA Act which authorized the Administrator to take such steps as were likely to bring about a movement of surplus workers and their families to areas of the world in need of their services. In the last session of Congress there was laid out in the Mutual Security Act a course of action which called upon the nations of the free world to make a full evaluation of the population factors in Western Europe and, having done so, to develop a program of remedy which would be of benefit to the community of free people.

These are some of the high lights which led to the Brussels Conference. Now, for the significant accomplishments of the conference. They are related not in the sense of their relative importance, because you best can give that evaluation.

There was expressed a clear concern over the use of such terminology as "surplus population" or "overpopulation," a feeling that this might lead people to think this meant those who were misfits, or undesirables, or the unwanted. Such a misunderstanding would, of course, be completely inconsistent with the facts and likely would prevent any real migration program from developing. It was concluded that what this meant was people (the most precious treasure of the free world) who had useful talents and services to give but for whom there was no opportunity to contribute their full worth to society.

There was stress on the term "settlers" as distinguished from migrants. This was considered a more appropriate descriptive term, because these people were to be settlers, much like those who came to our shores in past generations, people who were prepared and anxious to improve the resources of their new homeland.

There was strong emphasis on the necessity of planned movements of people from Europe to countries of settlement, planning being necessary so as to cause the best and most rapid integration of the newcomer to the opportunities of his new land. Without such planning, the dangers to the welfare of the settlers, as well as to the economy of the receiving country, were apparent.

There was every evidence that many countries not only needed more people but were interested in securing them. The benefits that historically come to a country of immigration were warmly recognized.

There was recognized the practical relationship between the need for economic development in some of the receiving countries as a parallel to the ability of such countries to receive and properly absorb immigrants. This recognition was not so fully expressed as some of us had hoped, but nevertheless it has been

woven into the fabric of common understanding and will secure more recognition as the practical operational phases of the program are entered into.

There was established a basis of financial participation by the member nations, which is calculated to bring about the proper contributions by those who can pay and yet recognizes the equal place in the program for nations which are not in a position to make equal contributions. Important also is the plan to have the migrant assist in the financing of the program, either in direct payment or through favorable loans to be repaid in a reasonable period of time.

It was established that the new international agency was to engage itself solely in the overseas movement of people and that intra-European migration would be worked out by the countries concerned on a bilateral basis or some other agreed-upon method.

The relationship of normal immigration to the program of the new agency was given clear definition. The cooperative international effort was to concern itself with movements of people which otherwise would not take place. Thus it is to be a program on the plus side of normal immigration.

The place of the refugee from Communist oppression in the international movements plan was extended full consideration. The refugee was placed in a separate category, so that his cause and rights would not be lost sight of. Refugees thus are to be afforded every opportunity to migrate from Western Europe to new homelands overseas.

A rather unique principle was established with respect to the refugee from communism and the countries affording him asylum. This principle is known as "country of first asylum." Here we have a recognition that asylum is an essential of our civilization and that countries whose geographical location is such as to require them to keep an open door do so with the encouragement of other free nations. It naturally follows that the other free nations will play their part in seeing to it that there is a fair spread of responsibility among all in the reestablishment of these people in new homelands.

The importance of preserving the integrity and unity of the family was not a subject for debate and readily found its full place in the understandings arrived at. The family, as the keystone of our civilization, could not be otherwise in the planning of nations which make up that civilization.

The need for preserving and strengthening the solidarity of the free world was expressed in many forms and on numerous occasions. As free nations a responsibility accrues to the people attached to principles of democratic government. A common threat to the civilization of which free nations are a part calls for common and united action. The community of free nations can remain free only if they are strong. They may remain or grow strong only when all their people are playing a full and useful part in the economic, social, political, and moral structure of their nation. These basics were the real driving force behind the accomplishments of the Brussels Conference.

Finally, and surely not last on the list of attainments, was the creation by 16 participating governments of an instrument to give life and meaning to the agreements arrived at. There was established the Provisional Intergovernmental Committee for the Movement of Migrants from Europe, to be known alphabetically as PICMME. It is expected more free nations will come into the provisional arrangement at an early date.

The 16 nations creating the new Provisional Intergovernmental Committee were divided into four categories: The first category was made up of countries of emigration, that is, countries who are seeking settlement in new homelands for some of their nationals and refugees from communism. Those countries were Germany, Italy, Netherlands, Austria, and Greece. The second category covered countries of immigration—countries needing additional population and sincerely desiring to secure it. Those countries were Canada, Australia, Brazil, Chile, and Bolivia. The third category consisted of interested countries, that is, countries with neither too many nor too few people but which, because of the part they recognized as necessary for them to play in the common planning of free nations, joined the committee. Those countries were France, Belgium, Switzerland, Turkey, and Luxemburg. The fourth category applied to the United States, perhaps as a tribute to the Congress of the United States, which has clearly demonstrated its interest in bringing about a solution to the overpopulation in Western Europe and the fact that the United States Government was authorized to contribute up to \$10,000,000 to get a new intergovernmental agency organized. The United Kingdom, which was not able to become a full member because of lack of authority from Parliament, participated in all the sessions of the Committee because it is an assured fact that the United Kingdom will become a member in the very near future.

The plan agreed upon by the member nations for the first year is to cause the migration of approximately 115,000 people from Europe to new homelands across the seas. This is, of course, over and above the movement of migrants which will take place under normal immigration programs.

In summary, I would like to put before you for your consideration three areas of activity which seem to be inseparable if we are to see a better balance between the requirements of man and the resources for survival.

1. That all possible measures be taken to step up the economies and productive capacities of all the free nations of Western Europe. Great improvement has been made in this direction during the last 4 years, but there is still a long way to go.

2. That steps be taken immediately to bring about a better distribution of workers among all the western European nations. This must, of course, be geared to the requirements of an expanding productive capacity of all these nations. Bilateral action in this field can be helpful, but it would appear this is a task which can best be accomplished through the North Atlantic Council.

3. That the Provisional Intergovernmental Committee for the Movement of Migrants from Europe go forward with bold vision and determined leadership. The beginnings at Brussels are regarded as mediocre in some quarters, but there should be no question as to the spirit which permeated this conference. It was such that intergovernmental action was a foregone conclusion but a few days after it commenced. This same spirit was intensified as the conference progressed. It ended on a note of harmony and solidarity, surely a foundation upon which a great and necessary human enterprise may be built.

The American initiative in meeting this problem can, if maintained, bring everlasting benefits to mankind. When we consider the vast areas of the free world which can benefit by adding to its population and the great benefits which will in turn come to those who today are not fully sharing in the resources of the civilization in which they live, we are immediately challenged by these great possibilities for strengthening the free world and thus securing a just and lasting peace.

MR. O'CONNOR. Mr. Chairman, to begin with, I would like to read a short statement and leave the time that remains for such questions as you or the members of the Commission may care to direct to me.

THE CHAIRMAN. We shall be pleased to hear your statement.

MR. O'CONNOR. Mr. Chairman, members of the Commission, it is my understanding that one of the primary purposes of this Commission is to inquire into the manner in which our current immigration law relates to the conduct of our relations with other nations and its abilities to meet world problems which have a direct bearing on our security and future well-being.

During the past 4 years it has been my high privilege to be engaged in a Government program which was in large measure engaged with these important questions. The sum total of this experience leads me to these two basic conclusions.

1. That our immigration law, together with its enlightened administration, is a fundamental instrument in the conduct of our relations with other nations and that it must at all times, and particularly in times of international crisis, be geared to a dynamic, purposeful, and farsighted policy of world leadership.

2. That the controlling feature of our present immigration law, the quota system, was composed and enacted at a time when our Nation was being driven deeper and deeper into the fatal pitfall of isolationism. When we understand that the original quota system rather than being improved has through the years been made more restrictive and rigid only then can we understand why our present quota system paralyzes American action and leadership in meeting two great problems of the free world.

The two great problems to which reference is made are:

1. The problem of overpopulation which plagues several nations of the free world.

2. The problem of "escapees from communism" who are finding asylum in West Germany, Italy, and Greece—countries already suffering the trials of overpopulation—and in Turkey and Austria.

It is my understanding that the related problems of overpopulation in Western Europe and Greece have been well covered in the previous hearings. In the time allotted to me my remarks will be directed toward the implications that arise in connection with escapees from communism.

To begin with, the very term "escapees" pictures people fleeing from something which has held them captive. That is precisely the case. It also pictures people fleeing to some place where they can escape the tyranny of their life of captivity. That also is precisely the case. In fact they are escapees from the captivity of the Soviet Empire, fleeing into the free world where they seek the basic freedoms which are as precious as life itself.

The escapees come from all the areas of the Soviet Empire, and those areas where communism has seized total power. At present the great majority come from East Germany. It is generally agreed that approximately 20,000 East Germans cross the line into the free world each month. The rate of escape for non-German refugees ranges from 800 to 1,000 per month. There is no accurate measure as to what the rate of escape is likely to be in the future because this depends upon a variety of complex and unpredictable factors.

They find asylum for the most part in West Germany, Italy, West Austria, Greece, and Turkey. So far as West Germany, Italy, and Greece are concerned they must be looked upon as countries of first asylum. This is necessary because each of these countries is already overpopulated and keeping their borders open puts an extraordinary burden upon them. Each of these countries is to be commended for the stand it has taken in support of the age-old right of asylum for those suffering religious and political persecution. But the cold facts of the matter are that there is a severe limit to what they can do unless we and the other nations of the free world step in and give them a helping hand.

Escapees from communism must be looked upon as an essential part of the cold war. Few thinking men today will hesitate to recognize that we are fully engaged in a world-wide contest, the purpose of which is to win the allegiance of the minds of men. The outcome of this contest could very well tell the difference between peace and war, world tyranny or world freedom. A life-long scholar of world affairs and an acknowledged expert on Soviet power and objectives had this to say on the subject: "The hotter we make the logistics of the cold war the colder will become the logistics of the hot war." The Reverend Edmund J. Walsh, rector of Georgetown University School of Foreign Service, is the source of this timely analysis. In my considered judgment the escapees form a natural part of the logistics of the cold war.

Let us look behind the iron curtain and visualize what escape means to the enslaved peoples and to their ruthless masters.

To the enslaved peoples it means the following, among other things:

1. That there is a better world over the horizon and that is the free world;

2. That the spirit of freedom still burns bright in the hearts of their countrymen;

3. That no tyranny, no matter how ruthless, can keep all the people captive all the time;

4. That those who escape through to the free world will tell the terrible story of the tragic events now taking place in the twentieth century empire of Muscovy;

5. That the individual escapee is and will remain a living bridge between their heritage of freedom and the day when it will again become a reality for them;

6. They are mindful that escape is a taunt to their oppressors, a continuing reminder to him that under the surface of slavery runs a powerful stream of resistance which one day will have its turn in the arena;

7. Escape is the food of freedom for the oppressed.

To the masters of tyranny it means the following, among other things:

1. That the call of freedom is a more powerful force than they are able to meet;

2. That their program of Sovietization is not meeting with the popular will of the people;

3. That the escapee has taken with him valuable information which is bound to turn the spotlight on the fakery of Soviet utterances and claims intended to capture world opinion;

4. That the enslaved people are not to be trusted, which means a reshuffling of the apparatus of oppression—and this means more trouble for the already top-heavy bureaucracy of state.

5. The escape of a former functionary in or supervisor of any phase of state planning or program creates added suspicion. In turn this usually results in a reshuffling of personalities directing the plan of consolidation with Moscow.

6. Escape is the food of fear for the oppressors. Fear as to who might be the next to go, fear for who will be blamed for the escapes, fear of the passive resistance it generally represents, fear of the connection it might have with more active resistance plans.

Our own enlightened self-interest requires that we keep the doors to freedom open for those who dare to escape from the lands behind the dark curtain of tyranny. In order to do this we must take the leadership in providing the following basics:

1. A program of temporary reception and care in the countries of first reception;

2. A program for the rapid integration of escapees into the framework of the free world.

Both of these requirements depend in large measure for success on the opportunities for emigration which are open for the escapees. At present there are very few and unless positive action is taken immediately these too might dry up. Our experience on related problems over the postwar years indicates that any program of planned migration depends upon the degree and quality of leadership we, as a Nation, give to it.

The rigidity and false premises of our present quota system prevent us from taking positive leadership in meeting the great challenges found in the practical potentials presented by escapees from communism. When we were required to face up to the question of finding

a solution for the problem of displaced persons of World War II we had to establish special, temporary legislation because the quota system prevented us from doing so by the ordinary means. But in doing this we mortgaged the traditional quotas of the countries from which the displaced persons came. The displaced persons came from the very countries that today are the originals of the escapees from communism. The end result is that the Government is impotent to meet this challenge because the all too small quotas set by law are heavily mortgaged for many years into the future.

The real tragedy of this analysis is that our quota system stands as a concrete barrier to making our immigration laws a productive part of a dynamic, forceful, and farsighted foreign policy which the American people expect of their Government. We are forced to continue our present position of paralysis on this issue until the quota system is brought in line with our domestic requirements and the demands of the critical international situation.

The CHAIRMAN. Thank you very much, Mr. O'Connor. What alternative, if any, would you propose as a substitute for the present quota system?

Mr. O'CONNOR. Mr. Chairman, I have gone into that in detail in the first article here submitted. I could quickly run over my proposals with you. I think the first, and the objective perhaps toward which we should all shoot, is the removal of the national-origins formula, and by that I mean doing away with this highly compartmentalized number system which is the quota system. In its place I would suggest that the Congress consider an over-all quota figure, that is, the number of admissions that we consider should come into the United States during a given year. Now, that is a matter for the Congress to decide.

Having done that, having set the over-all figure, the main objective we ought to have in mind is to keep elasticity in the basic law. We have got to stay away from those hardened, fixed formulas which paralyze this Government from meeting month-to-month changes in the international situation, all of which bear upon our present and long-range security. How could we do that? Well, I think we ought to arrive at the total number to come in each year based on two things: (1) Our domestic requirements; and (2) the demands of the changing international situation, which means the criteria for choosing the top over-all number are themselves fluid.

We get into a problem when we say, "Here we have got the total number that we think can come in and that we have every assurance to believe can be readily and very profitably developed into our own economy, our own culture, our own American way of doing things." That is a big question, but I would suggest these considerations on it.

You can have a joint committee of the Congress that sits down and deliberates it. You might authorize an independent commission of outstanding citizen. Or you might have a combination of both. It is important that allocations not be made on any annual basis but rather on more likely a 6-month basis, even less than that if it can possibly be done and be practical about it. The main thing again is to keep that flexibility which we need. And then other provisions could be made in a statute which would give flexibility to allocation of this system. That is the ideal, and I believe that is the one toward which

we ought to shoot because it is the one that will do us the most good today and in the future.

Secondly, we could consider pooling the unused quota numbers in a given quota year, bring them forward into the next quota year in their total. When we do that, we will run into the same problem: Who gets them, when, where, and under what kind of conditions? But again I think we could consider the three that I gave you.

And then there is another one that bears consideration in this connection. The Congress already is acquainted with the great human questions that come out of the problems of overpopulation in certain countries whose upbuilding and strength is an important link in the North Atlantic Treaty Organization, as well as the escapees from communism. They might care to say, "Well, we are going to try it. For several years we expect there will be these many that will revert to the next open quota year, and to see how it works we will do this." That is a possibility. I merely put it up for your consideration.

Then there is another suggestion that has been made by the distinguished Senator from New York, Senator Lehman, who I understand a very few weeks ago proposed to this Commission something along the line of pooling of quotas and putting these quotas into a central kitty, so to speak, and then turning to the National Security Council to determine how best they could be distributed. In commenting on the Senator's very good suggestion, I would go a bit further and I would say certainly the National Security Council ought to know the why, the where, the when, and the how of distributing the pooled quotas.

Those are the best thoughts I have at the moment. I do see this as a practical consideration, Mr. Chairman. That is the question of confidence in those who would determine the allocation. Now, it seems that personal confidence in people today is a greater factor than perhaps it has ever been before in the history of our Nation. I do believe that the history of all the immigration debates gives clear evidence that one of the reasons for fixing this airtight formula over which there could be no administrative decision, because it was a cold piece of mathematics, was that perhaps they did not think they could find any person, or let us say group of persons, who could be trusted enough to utilize those quotas in the clear interest of our country, both from the domestic point of view and the critical demands of the international situation. That is a bridge we have got to get over, and that is why I suggested that there might be a combination of interests in the Congress and citizens at large; and you might even go forward and expand that, as one of the Senators has previously recommended—I can't recall just who—but you make a third division of that, and that is the executive branch of Government, which is responsible for the administration of these laws, which includes putting some spirit into it and never letting the spirit die. That is the substance of my suggestions.

Commissioner PICKETT. Mr. O'Connor, I am not quite clear from this statement whether you think the Commission should put the emphasis on temporary legislation to make provision for escapees or whether you think a revision of the McCarran Act should be the objective?

Mr. O'CONNOR. That is a very good question, Dr. Pickett. I would put it this way. I think the thing we ought to shoot for is getting any

basis that is going to permit us to take direct and dynamic action in meeting the human problems created by escapees from communism and as well directing that same strength at the problems of overpopulation. I find it almost impossible to separate these two. Now, how do we do it?

We can do it, as I indicated. My first suggestion was to do away with the national origins mathematical formula and to give a national number of admittances annually which could be distributed where it is going to do the most good. Now, if we are unable to do that, then I suggest the alternative is that we ought to have special temporary legislation or anything that is going to get us in a position to approach and help solve this, and above all for America to take the leadership with the other nations of the free world in getting at our business of licking these things.

The CHAIRMAN. As I understand it, you first deal with the problem as a whole. There are these particular situations, and you hope that they can be solved by legislation that would be of a permanent character, if you make it fluid enough?

Mr. O'CONNOR. Correct, because we can't foresee what the situation is going to be in the world that relates to America's interest 5 years from now. I don't think we can. But we ought to have on the statute books a law which is going to be flexible enough so that we can adjust ourselves to that, not to have to come back every session of the Congress and demand this change, that change, and the other change because we are not in tune with the swift passage of events in the world in which we live. I think if we accomplish that, we will have done a great job.

Commissioner GULLIXSON. There is a question I would like to ask. The problem confronting this Commission is somewhat broader than the one that confronted the Displaced Persons Commission, and in facing up to America's problems in the world, facing up to the need which confronts us, would your suggestions apply to all of mankind?

Mr. O'CONNOR. They would, sir.

Commissioner GULLIXSON. The Asiatic as well as the European?

Mr. O'CONNOR. They would, sir.

Commissioner GULLIXSON. An over-all quota to be administered on that principle?

Mr. O'CONNOR. To be administered on the international requirements and the domestic situation.

Commissioner GULLIXSON. And the needs, then, of the whole world would be in the picture?

Mr. O'CONNOR. I believe so.

The CHAIRMAN. Some of the suggestions that have been made to the Commission during the hearings are along these lines: That there should be, as you suggest too, a ceiling each year, and that within that ceiling there should be established certain qualifications and preferences and priorities according to the needs and the interests of the United States and according to what situations the United States would like to help throughout the world; and that in establishing those priorities and those preferences and those qualifications, to the extent that they could be satisfied they would be, and then there would be some point at which the residue of the number that might be determined for any one year would be opened to individuals on the basis of

their individual worth without regard to race, creed, color, or national origin, and no matter what part of the world from which they came. What is your opinion of such a proposal?

Mr. O'CONNOR. I think that would be a very forward step.

What I gave, Mr. Chairman, were the thoughts I have. I hope that more and more people begin to think about this. I am sure that if people get to talking about this, they are going to find a solution, and a happy one too, but so long as it is kept a very quiet sort of gentlemen's private club idea, with people not speaking out their honest-to-goodness opinions on it, you couldn't expect very much adjustment on it. I think it is healthy that people today are talking very openly about it. I am convinced we will find a solution to it.

Commissioner FINUCANE. Mr. O'Connor, on the basis of all your experience, particularly in the DP program, do you feel there is any difference in the ability of the various races to assimilate in the United States; and, if you do, have you any idea as to what that difference is?

Mr. O'CONNOR. Well, I must say, Mr. Finucane, from my just previous 4 years' experience, I can distinguish no differences in the assimilability to the American scene of the immigrants who came under our act. I will tell you basically why I believe that to be true. If you take a broad-gage look at America, you are going to find the basic roots of every one of those peoples, by their national origin, by their culture, by their tradition, all those things, firmly implanted in the American scene. I don't believe that we can even treat degrees among them as to their adjustment, because adjustment is a very relative thing in America. We don't put people into close-knit, tight little things with everybody wearing the same kind of hat, but rather our background has been such that we have grown up and grown very strong in that unusual process. I would say they all assimilate.

But there is a factor we ought to consider that cuts across the word. I would not favor the old-line type of immigration approach, which I characterize to be throwing up a number, letting people come in, and as they arrive at the port of entry they do just about as they please. If they want to stay in the port of entry, that is their business; if they want to go elsewhere, that is their business. In between there is a happy medium which I think the Government, the Congress, and all the people throughout America who worked on the displaced persons program found the answer to, and that is in the assurance form. You must first give the people a freedom of assurance. If they don't care to go to a certain place in America, they ought to say no. That is part of free choice. But that is an integral part of planned resettlement. I think we in America have arrived at that day where we have got to have planning and we have got to use the great instruments for adjustment, both private and public, that are the very substance of America to do that job.

Therefore, I say that integration of any people—and there are no exceptions to this—depends upon how well we prepare such an instrument, bringing in all our private forces, working hand in hand with government. I think that is the answer to assimilability.

The CHAIRMAN. Thank you very much.

The next witness on our schedule is Mr. Ugo Carusi.

STATEMENT OF HON. UGO CARUSI, UNITED STATES REPRESENTATIVE OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, FORMER CHAIRMAN, UNITED STATES DISPLACED PERSONS COMMISSION, FORMER UNITED STATES COMMISSIONER OF IMMIGRATION

Mr. CARUSI. I am Ugo Carusi, United States Representative of the Office of the United Nations High Commissioner for Refugees, Washington, D. C.

The CHAIRMAN. You were in the Department of Justice in several capacities in your time, which I hope is not over?

Mr. CARUSI. About 23 years of it.

The CHAIRMAN. You were Assistant Attorney General?

Mr. CARUSI. Executive assistant to the Attorney General from 1925 to 1945; Commissioner of Immigration till late 1947; a year as a special assistant to the Attorney General, but assigned to the State Department; and then Chairman of the Displaced Persons Commission from August 1948 to the end of December 1950; then I loafed for 6 months; and then I have been in this United Nations job since July 1, 1951.

Mr. Chairman, I can save myself and you some time by telling you to remember what Mr. O'Connor said, but I do want to make some observations on behalf of the High Commissioner for Refugees with respect to the interest which we have in the American immigration laws as they relate to refugees. As you, of course, know, and as has just been said, the refugee problem continues and it grows. There has been a sort of hiatus in the resettlement of refugees in the last few months, particularly since the close of the American activities under the Displaced Persons Act, and that in light of present world conditions is very unfortunate. We therefore hope that included in the immigration policy of the United States and in her laws, there will be provision for the reception of more refugees.

The CHAIRMAN. Let me ask you this. When you use that word "refugees," are you including all the different categories?

Mr. CARUSI. I was about to put a comma there and keep going to explain it.

The CHAIRMAN. Some of the witnesses we have heard talked about escapees and expellees, and some of them became very indignant if the categories weren't named specifically.

Mr. CARUSI. I include them all, and that means that at the end of IRO operations there were roughly 400,000 persons who had not been resettled and some of whom never can be because of their disqualifications, physical and otherwise.

Commissioner O'GRADY. 400,000 all over?

Mr. CARUSI. I mean that were under IRO mandate, not all there are.

Commissioner O'GRADY. That doesn't necessarily include all the refugees?

Mr. CARUSI. No; I am talking now of the 400,000 who were formerly under the IRO mandate but failed of resettlement and haven't been otherwise absorbed. In addition to that, there are, of course, those we call the escapees now, who are coming in at variously estimated figures per month. I have heard it estimated as high as 1,500.

The CHAIRMAN. They are coming into Western Europe from behind the iron curtain?

Mr. CARUSI. That is correct. Then, of course, there is the great body of expellees, numbering 8 or 10 million, most of whom are in Germany; and then there are the refugees from Europe who find themselves elsewhere in the world, many of them in the Far East. And when I say that we hope the United States will resume its activity of resettling some of these people, I mean all of those groups. Of course, this national-origins system, as has just been pointed out, is a stumbling block, and you have already had presented to you a number of suggested substitutions for the national-origins scheme. There is no need going into the fallacy of the whole scheme and its undesirability. I think most of us are agreed on that.

The CHAIRMAN. What do you mean when you say most of us are agreed on it? The Congress passed it by a two-thirds vote over the President's veto.

Mr. CARUSI. I mean those who are against it agree as to the reasons why we are against it.

Let me put it this way, without speaking for anybody else. Perhaps that is the better thing. I can't for the life of me see why, whether it relates to immigration or whether it relates to any other phase of human activity, we should start out fixing formulas based on who is better than somebody else. Therefore, I find it very easy to disagree with the idea of national origin quotas. But here it is. It is here, and it has had the effect, as Mr. O'Connor said, of tying up the very opportunities for immigration which are necessary if we are to do anything for these escapees or refugees or DP's with whom we are concerned, because they do come from the countries having the small quotas, which in addition have been so heavily mortgaged off into the next century under our recent displaced-persons legislation.

Now, if you want another suggestion—and I don't mean by this to suggest that it supplants the suggestions you have already received, but an additional one for you to consider—I think over and above some ceiling of what we refer to as the usual or normal immigration subject to flexible arrangements that have been suggested, over and above that, we could have a steady nonquota allocation for persons who could qualify in that nonquota status by reason of a well-prepared refugee definition, and have it go on as permanent legislation. When the refugee problem wanes there would be fewer who would qualify under the act, and as long as we have refugees we can have laws which would enable us to bring some here. I think we should not continue doing it on a piecemeal basis and keep having new acts as new emergencies arise, doing it on a sort of fire-department basis, waiting for the signal before we run out to do something—but we should rather have a steady, fixed governmental policy that if, as, and when there are refugees in the world whose personal plight needs attention and whose effect on international situations needs attention, that we are ready and able immediately, by Executive order or other means devised, to put it into operation, or indeed without Executive order, just start bringing them in to the extent the law allows it if they meet the definition and meet the standards.

We have other nonquota provisions by which people can qualify, either because they happen to live in this hemisphere or because they have other situations, such as family relationship or one or two other

particular qualifications. So we will have just another nonquota category for which there is a definition, namely, a sound, sensible definition of "refugee" which meets the exigencies of the situation. If they meet this test, they could come in as do the other, regular immigrants, subject to the usual security, physical, and economic standards, and processed by the regular governmental agencies engaged in this field.

Another feature of the refugee situation in the United States which I hope this committee will consider is the matter of travel documents. There have been conventions and agreements and understandings among nations that special travel documents be issued to persons who are stateless and cannot go to their own Government representatives—and certainly if they are bona-fide refugees they would refuse to go to those representatives—and cannot get the normal passport or other travel document. The United States has not signed those conventions and does not issue those documents, although when a person arrives in the United States with one it will admit him if he is otherwise admissible. That certainly was the case under the Displaced Persons Act.

I think the United States ought to issue a document—whether it does so in conformity with the convention or not—and if it needs a statute to accomplish it, it ought to have such a statute. Certainly that is true in the case of any one of these displaced persons who is now in this country and has not yet had time to become a citizen. If he wants to travel to a foreign country he has to do it by an affidavit of identity, which some countries will not recognize and some will. The United States will give him a reentry permit, but it happens to be in a form that other countries won't use for the attachment of a visa, by stamp or otherwise. If the United States would issue such a document, my opinion is they can now do it without a statute by giving them a reentry permit that looks like a passport and contains all the information that a passport should contain. Our experience has been that those are usually accepted, and they will be if they bear the imprimatur of the United States. If there is any question about the legality of that, then certainly there ought to be some thought given to a statute authorizing probably the Department of Justice to issue a travel document upon which they could stamp "Reentry Permit," and allow the person to leave the United States properly and receive a visa that could be stamped by the government of X, Y, and Z elsewhere. I think that is an extremely important thing. They are stateless and cannot budge from here, whereas they could move by doing the wrong thing of going to a consulate of a country from which they have just fled.

Commissioner O'GRADY. Do I understand there is a convention now on that? What instrumentality of the United Nations is it?

Mr. CARUSI. There are two. There is a convention on refugees, which has not been ratified by the United States, although she was one of the original signatories to it. Then, in addition to that, there was the establishment of what we now call the London document. Under each of those, if we ratified or at least if we followed the practice, it would solve much of this. But we haven't done it. I understand one reason for not ratifying the most recent convention on treatment of refugees is that the United States claims—and I think accurately—that she does those things for the protection of refugees any-

way and doesn't have to sign an agreement to do it. That may well be, but certainly as relates to this travel document, I think there is a void here; there is an absence of treatment that I think should be looked into.

There are some other aspects of the present law which bear upon refugees, if not completely, at least in part, and that has to do very much with people who are already here.

There is one more thing I should mention in connection with that document. It isn't a finished business yet, so I can't be too positive about it, but I understand that there is a possibility that the Immigration Service may require people who come to the United States for permanent residence and come with these documents of which we are speaking—affidavits of identity or these international documents instead of the usual passport of the country of nationality—to have some guaranty when they get here that if they have to return, a country will receive them, in other words, a return visa. Now, that may be all right and easy enough to get for a person who is a native and national of France and coming here under those conditions, but for a stateless person it is a very difficult problem. To what country does he get a return visa?

There is nothing in the present law requiring it; there is nothing in the new act which imposes it. So that the new act will be the same as the old act. Information has come to us that nevertheless the Immigration Service was going to change the present practice and require such a return visa. That matter has been presented to the Attorney General's office, and a decision is still pending on whether that tentative decision shall stand. But I think certainly that is something to consider, and if administrative practice does impose that requirement, then I think some consideration ought to be given again to some statutory waiver of that requirement so that a person who is stateless and can't get a return visa before he comes here—and coming here for permanent residence—shouldn't have to just stay away from want of that particular document.

I may add that it was admitted by representatives of the Immigration Service—and I wish you would ask them rather than take my word for it—that the number of cases in which they would find difficulty for failure to get that return visa is very, very small. They were trying very hard to think of a case, as a matter of fact, and we have the instance, which we deplore, of fixing a rule which might apply to one or two cases to the great detriment of the thousands. So I think we ought to look into that.

MR. ROSENFELD. Is this respective change in connection with regulations in the new act?

MR. CARUSI. Yes; in connection with the new regulations primarily.

THE CHAIRMAN. You are talking about people who want to come to the United States?

MR. CARUSI. Yes; to remain, and they have all their documents, but they don't have a document which says, "In case you are ever excluded, you may come back here."

THE CHAIRMAN. In other words, they are adopting a rule or regulation to guard against a person being found to be undesirable after he has once been admitted?

MR. CARUSI. Excludable on entry—in other words, found on immigration examination that he shouldn't be admitted and, therefore,

should be returned. Now, actual experience has been that the steamship companies have found a way of returning them. You know how few so-called flying Dutchmen there are wandering around the world. That is the answer. It just doesn't happen. But the Immigration Service says it could and, therefore, they impose this rule, which makes it extremely difficult for all the stateless persons just because it could happen that a man could come here and then be excluded and not returnable to any particular country.

The CHAIRMAN. You know very well that thousands of people in the United States today are under orders of deportation, orders that have been signed over the years, and they can't be deported because the countries from which they originally came won't take them back. We order them deported and nothing happens.

Mr. CARUSI. That is just the point, and that is also true now under the present law which says you mustn't deport them to a country in which they are liable to be persecuted, and, under the new law, that the Attorney General may withhold such deportation. And the people, the refugees, of whom I speak are just those people. Even if they got that return visa, they would still have that defense to prevent it.

The CHAIRMAN. You mean the defense that they would be persecuted if they went back?

Mr. CARUSI. That is right.

The CHAIRMAN. Then aren't there other categories where they may be of more danger in use for subversive purposes over here than they would be in their country of origin, more use to those countries?

Mr. CARUSI. No, I don't think so, because the people that these are aiming at are now the new arrivals that are just coming over, and the deportation proceedings that would be instituted against a subversive or a criminal stand on their own feet and the country would still decide whether or not it would take them on a deportation. This is just it. There will be so many of them who are coming here for permanent residence, with no intention to return, which is what we want of people who come here to live, that they come here meaning to become part of us. Yet they have to have a sort of round-trip ticket as far as visa is concerned before they can be admitted. It has worked to the great detriment of the people who are stateless and can't get that round trip, and don't want it, to their countries of origin.

I think there has been much said about the substantive side of immigration. There is no need of my amplifying it. But I think some thought ought to be given to the procedural aspects of this business. I think some consideration ought to be given to whether or not our present system of administering immigration laws generally is the best one. As it relates to anything except the issuance of visas, it is now in the Department of Justice, at the head of which is an Attorney General, who is administratively the supreme court of immigration cases and at the same time chief prosecutor. If we were to think of the Attorney General as an individual of high character, which they are and have been, and of great impartiality and judgment, the problem wouldn't be so difficult. But although the statute in many, many instances says that the Attorney General shall do this or he shall decide that, or his discretion shall govern in this situation, he rarely hears of the case, as we all know; it is handled down the line. And very frequently the Attorney General or some other high superior in the Immigration Service, for reasons which seem proper

to him, will issue an order to deport so and so or keep so and so out, and that goes into the file.

The subordinates are faced with the problem of being objective judges of a case on which their superior has indicated a judgment. That is by the nature of things. It isn't that the Attorney General is trying to act improperly or arbitrarily; it is part of his job to see that things are done. But what effect does that have upon the man who is deciding these discretionary things way down the line, the immigrant inspector or the examiner, when his big boss tells him that man belongs out? Well, I hope it doesn't affect most of them, but I don't think it is really the soundest kind of set-up, no matter how proper may be the motives of the man at the top or the man at the bottom.

Then, of course, after having issued those instructions, if appeals are pursued far enough, the Attorney General decides the appeal. Now, I say that in due deference to whoever occupies those positions, and I speak in the abstract; I speak of the system and not of personalities. But why run the risk that some day we may have a man incapable of drawing those delicate dividing lines? I should think that very careful consideration should be given to setting up a procedure by which the prosecuting and deciding functions are kept much more detached than they are now. As a matter of fact, I think Monsignor O'Grady touched upon that point in some of the questions he asked Colonel Habberton.

I think a tendency has been to try to put the law in such shape that there be less judicial review and less appellate review by independent sources. It is unfortunate, but that has been a viewpoint, and I ran into it very recently in connection with the matter I just mentioned and one or two others. In fact, when the suggestion was made that a hearing ought to be given in a particular kind of case, the answer was that it was expensive, not that it was unfair or improper. It is expensive in the sense that they probably can't get sufficient appropriations for a separate and complete hearing staff. But be that as it may, I think the Government of the United States ought once and for all to make up its mind that when it deals with human beings and deals with their future lives, it ought to go all out to provide just as complete a system of fair hearing as it possibly can conceive. After all, fair hearing doesn't give an evil person the right to laws to which he is not entitled—certainly it wouldn't—nor would it take from a deserving person the rights which he has, but the absence of fair hearing can accomplish both of those things.

I think that what we ought to consider very seriously is an administrative process in immigration much along the lines we find in an institution like the tax set-up, where there is the executive agency that investigates, administers, and makes decisions, and then there is a completely independent board like the Tax Court which, on appeal, decides the cases on their record, and on their merits completely. We have gone pretty far in this immigration thing; I think we can go that much further, so that when an executive officer orders something to be done he doesn't have in the last analysis to decide formally whether what he did or ordered was correct. Someone else should decide that. I think it would remove the necessity for a review by Congress in individual cases. I think that what is now reviewed by Congress should be decided finally in the administrative body.

That is true in other bodies of law; it ought to be true in immigration. And that is a point to be considered. I believe Congress would be less inclined to carry this burden if it were satisfied with the nature of the administrative reviews and determinations.

I think it is unfortunate that this Commission is going to have to make its report before the present immigration law really gets going, because I think there is room for appraising that law, not only on its language, but on the manner in which it is administered.

There have been two other instances recently that I have brought to the attention of the proper authorities. I will mention them here without being too critical of them. But the points are significant, and they do serve to illustrate the importance of having an appraisal of this thing in the light of administration. One of them is, for example, that the immigration law says that a person now must not be deported to a place where he fears persecution, and, under the new law, that the deportation may be withheld. Now, both of those sections say, "when the Attorney General finds * * *."

In the first place, the Attorney General personally doesn't make the finding in each case; it is done down below, which is all right. Delegation is not a new thing. But in that particular instance the Service is maintaining that no hearing is required, and the man is supposed to make his claim after the deportation hearing, not as a part of it, but afterward he makes his claim and they inquire into it. They have not a hearing but an investigation, and they inquire into it, and make up their own minds. Now, each time that that has happened in cases that have come to any notice at all, habeas corpus is issued, and the courts have decided against it, and said there must be a hearing. Yet the Immigration Service insists there should not, and is prosecuting appeals from those decisions.

Quite apart from the constitutional requirement of due process. I should think certainly that where a man puts up a claim that he is about to be persecuted—in many instances a matter of life and death—the United States Government would want to give him a hearing, but instead of giving it, it is resisting it. I think some inquiry ought to be made into that.

Then there are one or two other provisions which could relate to refugees, which I could mention briefly, and that is the idea of losing citizenship for causes other than misconduct. Obviously, if there is illegality or fraud in the procurement of citizenship, it should be taken from the person who got it that way. But to say that there is a difference between a citizen by birth and a citizen by naturalization merely because of where he goes to live or other things that take place after he has become a citizen, I think, is a distinction with no real moral basis. I can best illustrate that by an absurd example. Under the laws that have been enacted, if a man who was born in the United States—and there are a lot of them now in that condition because of the war-bride situation—has a naturalized wife, and for some reason he decides to go to Europe to live, and it happens to be the country of her birth and the country where he probably met her when he was in the Army, she has to come back every 2 years to touch second base. If she does come back here, then her loyalty is complete; it is supreme. If she misses a trip, that proves she is not loyal to the United States and her citizenship should be taken from her. Whether she comes back on those periodical trips doesn't change that woman; she

thinks as much or as little of the United States whether she makes those trips or not. Moreover, the native-citizen husband who decides to live overseas remains a citizen; the dutiful wife who accompanies him even unwillingly could lose her citizenship. I think any test of that kind automatically to take away citizenship is not realistic. I think that the loss of citizenship, whether a person be naturalized or born here, should be predicated on an act that shows lack of attachment to the United States, either by positive renunciation or by acts which are more directly consistent with positive renunciation or disloyalty.

One last thing, and that is the danger in deportation statutes of having retroactive features or deportations predicated on presumptions, conclusive and *prima facie*. I think there again such a drastic punishment or event as deportation should be predicated upon proof of actual conduct justifying it. Most of the grounds of deportation are logical and sensible and should be maintained, but the determination of those grounds, it seems to me, should be made upon action taken after the man has gotten notice of what the law is and what he shouldn't do, and not revert back to a time when what he did was not deportable or revert back by means of a presumption: that just because he did something today, he must have meant to do it 3 or 5 or 10 years ago. I think that, whether it is in immigration or any other law, is a dangerous precedent for us to establish as a means of settling what should be a principle of American justice.

Commissioner O'GRADY. Do you think that changes in administration such as you mentioned will be sufficient, or that a change in the whole fundamental concept of administration of immigration, subject to proper security and other standards, is desirable?

Mr. CARUSI. I think you have to start out by having that kind of legislative program. After all, you can't expect the Immigration Service to be positive in letting people in when the law has as a basic concept the keeping of them out. So you must start out by having a legislative program which looks upon immigration as a means of gaining strength and valuable contributions, and not as a gratuitous tolerance. That is point No. 1.

Point No. 2 is that when you get such a law, then it ought to be administered in that fashion. After all, I used to work there and I like those fellows very much; most of them are high-minded people. But I have found, with respect to this omnibus act that has just been passed, several provisions among others that are very fair and very fine, and I find the Immigration Service interpreting them restrictively and saying they don't mean what they say.

Perhaps they are right and I am wrong, but I think this Commission, in the course of its studies, ought to consider very carefully not only the positive substantial immigration law but ought to look into its interpretation and administration just as carefully.

The CHAIRMAN. Thank you very much, Mr. Carusi.

Mr. ROSENFELD. Mr. Chairman, may I introduce for the record a communication from the Honorable Hugh Gibson, Director of the Intergovernmental Migration Committee, who, in response to a request to testify, indicates that illness prevents him from appearing before the Commission, but that he will submit a statement for the record.

The CHAIRMAN. That may be done.

(The letter and statement from the Honorable Hugh Gibson, Director, Intergovernmental Committee for European Migration, follow:)

STATEMENT SUBMITTED BY THE HONORABLE HUGH GIBSON, DIRECTOR, INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

PROVISIONAL INTERGOVERNMENTAL COMMITTEE FOR THE
MOVEMENT OF MIGRANTS FROM EUROPE,
October 17, 1952.

MR. HARRY N. ROSENFELD,
Executive Director, President's Commission on Immigration and Naturalization, Washington, D. C.

DEAR MR. ROSENFELD: I have the pleasure of referring to your letter of September 26 in which you so kindly invite my personal participation in a hearing before the President's Commission on Immigration and Naturalization on October 27 and 28.

As the Intergovernmental Migration Committee is now holding its fourth session here I find it necessary to remain in Geneva during this period. Added to that I have just returned from an extended tour of over 2 months which has taken me into most South American as well as many other countries. The doctors have now forbidden me to do any more traveling in the immediate future. I feel that I must devote my time, immediately following the close of the fourth session, to pressing Migration Committee matters. Therefore I shall have to forego appearing before the Commission on the suggested dates.

However, in compliance with your suggestion, I am having prepared a memorandum which will set forth my views on the referred subject matter and will serve to document our opinions and experience. This memorandum will be forwarded to you within the near future.

May I again express my regret at not being in a position to accept your kind invitation.

With every good wish, I remain,
Sincerely yours,

HUGH GIBSON, *Director.*

(The memorandum follows:)

INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION,

Geneva, Switzerland, November 17, 1952.

MR. HARRY N. ROSENFELD,
*Executive Director, President's Commission on
Immigration and Naturalization,
Washington, D. C.*

DEAR MR. ROSENFELD: I am now able to send you herewith a summary of my views as director of this organization which I hope will be of use to the President's Commission.

It has not been possible for me to give a direct answer to some of the sample questions which you enclosed with your letter of September 26 since in my capacity as the servant of 19 member nations it is not presently possible for me to express personal opinions more particularly on the internal policies of a member government. This I am sure you will fully understand.

Please accept my apologies for not being able to get this material to you sooner. Unfortunately a number of circumstances arising from the Committee meeting have made unduly heavy demands on our time. I hope nevertheless that this paper will be useful.

With kindest regards,
Yours sincerely,

HUGH GIBSON, *Director.*

THE PROBLEM OF REFUGEES AND OVERPOPULATION IN EUROPE

INTRODUCTION

1. The task which has to be performed in order to solve the European overpopulation problem with which the world is faced today is threefold in character. It consists first in easing the pressures of surplus population in certain countries of Western Europe; secondly, in providing selected workers and their families to assist in developing the resources of various overseas countries; and, thirdly,

in insuring that those refugees who have fled or are fleeing countries of Eastern Europe for political reasons are given an opportunity to rebuild their lives in countries where their skills and qualities are needed.

2. The gravity of his problem has long been apparent. On May 13, 1950, the Foreign Ministers of the United States, France, and the United Kingdom recognized in a joint declaration that the surplus population in countries of Western Europe was one of the main causes of disturbance and disequilibrium in the world.

EXTENT OF THE PROBLEM

3. According to statistics revealed by several international studies undertaken recently, the extent of the problem of refugees and surplus population in countries of Western Europe was estimated at approximately 5 million persons in 1951. This situation has arisen as a result of the substantial influx of refugees into Western Europe, which continues; the constant excess of births over deaths; the sharp decline in migratory movements from Europe from 1930 onward; and the economic disruptions in Western Europe resulting from the Second World War. The result is that there are far too many mouths to feed and that there are not enough jobs for the population. The bulk of the surplus is in Italy and Western Germany, but the smaller numbers in Austria, Greece, and the Netherlands represent a relatively higher proportion of the total population of those countries.

4. Taking into account the fact that the efforts already made by the western European countries themselves and the assistance given by certain overseas countries have resulted in the figure of 5 million being somewhat reduced; taking into account also the possibility that the increased industrial capacity of some of the western European countries will enable them to absorb some further hundreds of thousands of their surplus population, it is estimated that the present total of persons who cannot find productive employment in western Europe and have no prospects for the future is approximately 3,500,000. Moreover, the excess of births over deaths each year is estimated at more than 1 million persons, of whom approximately one-third cannot be absorbed into the economies of their countries, and the problem is further aggravated by the continual arrival of refugees from the countries of eastern Europe.

5. Spontaneous migration from western Europe between 1947 and 1951 has remained fairly stable at approximately 220,000 migrants per year (excluding British, Portuguese, and Spanish migrants) while planned migration (i. e., that conducted by the International Refugee Organization, or effected under bilateral agreements) has accounted for another 200,000. On the assumption that spontaneous migration remains at its present level, that the Intergovernmental Committee for European Migration will move 120,000 migrants during 1953;¹ and that other planned migration may account for some 60,000 to 80,000 persons, the total migration from Europe in 1953 will amount to some 400,000 persons, which will do little more than cancel out the annual natural increase in the surplus population and will leave the core of 3,500,000 untouched.

SOME POLITICAL IMPLICATIONS

6. While the refugee and surplus population problem faced by individual countries of western Europe varies in its nature, the situation as a whole presents certain common features: The consequences it entails for Europe as such or as part of the Atlantic community, and the necessity of overseas emigration as one of the solutions required. While for western Germany and Austria the problem is mainly one of refugees, for the rest of the countries concerned it is mainly one of surplus population. For all the countries it is a problem which causes deep concern to the governments by reason of its damaging effect upon political, economic, and social conditions. The situation as a whole is one of the most serious obstacles to the stability of western Europe in general. As long as it persists Europe will not be able to attain the political objectives of the Charter of the Council of Europe or the economic objectives of the Convention on European Economic Cooperation, i. e., "the establishment of sound economic conditions which will enable the contracting parties to reach as soon as possible and to maintain a satisfactory level of employment without outside assistance of an exceptional character, and to bring their full contribution to the economic stability of the world."

¹ See pars. 9 to 11.

7. No matter what steps are taken toward relieving the situation by the European governments concerned, either by the local integration of refugees and surplus population through economic expansion or by intra-European migratory movements, they themselves cannot solve the problem. Overseas emigration during the next 5 to 10 years of the 3,500,000 persons referred to in paragraph 4, above, must be considered essential, over and above the annual emigration necessary to take care of the yearly increase in the surplus population.

8. While the countries of Western Europe are faced with the necessity of effecting the emigration of large numbers of persons in order to promote political, economic, and social stability in that area, it is equally true that certain overseas countries, such as Australia, Canada, and countries of Latin America, need for political, economic, and strategic reasons to increase their population and the exploitation of their natural resources. In principle, therefore, it should be possible to effect the necessary transfer of population. In fact, however, while considerable movement took place in the 5 or 6 years immediately following the Second World War, increasing difficulties are now being met. Owing to temporary economic conditions, the governments of certain countries are obliged to restrict their intake of immigrants for the time being in order to enable them to absorb their recent new settlers satisfactorily; while other less developed countries cannot accept any appreciable number of migrants until they have been enabled to achieve a certain measure of economic development. An additional difficulty arises from the fact that although the movement of people between countries used to be completely unrestricted it is now subject to strict regulation and constitutes an international administrative problem of a highly complicated nature.

ESTABLISHMENT OF INTERGOVERNMENTAL MACHINERY

9. On the initiative of the Government of the United States of America, whose approach to this most serious problem was both generous and farsighted, the representatives of a number of governments met together in November 1951 in Brussels, by courtesy of the Government of Belgium, to discuss the possible establishment of intergovernmental machinery to facilitate migratory movements from Europe to certain overseas countries which would not otherwise take place. On December 5, 1951, a resolution was adopted (annex A) whereby the Provisional Intergovernmental Committee for the Movement of Migrants From Europe was established for the purpose of making arrangements for the transport of migrants, for whom existing facilities were inadequate and who could not otherwise be moved, from certain European countries having surplus population to countries overseas which offered opportunities for orderly immigration, consistent with the policies of the countries concerned. The resolution contained a specific provision that among the migrants with whom the Committee would be concerned would be included refugees and new refugees for whose migration arrangements might be made between the Committee and the governments of the countries affording asylum.

10. The membership of the Committee, 15 in the beginning and now comprising 20 governments (see list at annex B), demonstrates the interest not only of governments of emigration and immigration countries but also that of other European governments which, without being directly concerned in the problem of surplus population and refugees, have joined together with the Government of the United States in a spirit of European and Atlantic solidarity. That this desire to attack such a serious and complex problem in a spirit of international solidarity persists is evidenced by the fact that, at its fourth session concluded recently in Geneva, the Committee decided to prolong its existence for another year, under the name of "The Intergovernmental Committee for European Migration," and adopted, subject to completion of the necessary governmental processes in each member country, a budget and plan of expenditure to cover its program of activities for 1953.

11. It is expected that during the first 11 months of operation, ending December 31, 1952, the Committee will have moved somewhat less than 100,000 persons from western European countries to overseas countries of immigration. Of that number, approximately 37,500 will have gone to the United States of America of whom some 28,000 are ethnic Germans moved under the Displaced Persons Act of 1948 (as amended) and 7,350 IRO refugees the majority of whom are being moved on behalf of, and paid for, from funds left by the International Refugee Organization on liquidation. During 1953 it is estimated that the Committee will move 120,000 persons and although during the current year

movements to the United States represent such a large proportion of the Committee's program, in present circumstances it is not possible to foresee the movement of more than 12,500 persons to that country next year. The majority of the 12,500 would consist of persons eligible under section 3 (c) of the Displaced Persons Act, who would receive indirect assistance from the Committee through voluntary agencies, and some who would be moved under the escapee program.

12. It should be noted that neither under the movements being effected during 1952 nor under the program envisaged for 1953 is a fair balance achieved in regard to the number of migrants leaving each of the countries of emigration. Those countries bearing the heaviest burden of surplus population, in particular Greece and Italy, are being relieved of it to the least extent. This is a problem which it is not within the power or competence of the Committee to solve; it is dependent solely upon the policy decisions of governments of receiving countries with regard to the immigrants they are willing to admit.

RESULTS OF THE COMMITTEE'S EXPERIENCE

13. The experience already gained by the Intergovernmental Committee has proved that it is possible to effect, through the use of intergovernmental machinery, certain overseas emigration from Europe which would not otherwise take place, and thus to contribute to the solution of Europe's problem of surplus population and refugees. On the other hand, it has also shown that there are at present certain obstacles to migration and the committee has already taken step toward removing some of them. At its fourth session it adopted a resolution which recognized the need for the improvement of the techniques employed in the field of migration and requested the Director to improve and develop the technical services of the Committee related to the movement of migrants likely to increase the volume of such movements, such improvements and developments to be within the framework of the resolution establishing the Committee (annex A) and the programs of the Committee, and by seeking the maximum collaboration of interested governments and competent organizations. It should be noted that the Committee does not undertake, nor does it intend to undertake, those functions which can be performed by governments or other organizations working in the field of migration.

14. The governments which established the Provisional Intergovernmental Committee recognized the existence of a close relationship between economic development and immigration (see annex A, p. 1), and the experience of the Committee so far has demonstrated that if certain underdeveloped countries could be enabled to develop their potential economic resources, migration from Europe could be greatly stimulated. In fact the absorption of surplus population from Europe would constitute one of the main elements in such development, as is indicated in paragraph 8 above. While economic development is clearly a matter for governments, government agencies and certain of the United Nations agencies, the Committee is anxious to make its appropriate contribution within its present terms of reference. Consequently, at its fourth session, it requested the Director to encourage the preparation of settlement plans of member governments wishing to increase the numbers of migrants to be received on their territories, to participate in the drafting of such plans and to further the completion of such plans as the governments concerned may be prepared to adopt, on the clear understanding that no Committee funds would be used for capital investment.

15. The Committee has worked actively in attempting to effect the movement of refugees from Europe and to this end has set up a revolving fund of \$2,000,000 and has made agreements with a number of internationally operating voluntary agencies whereby they receive grants from this fund against an undertaking to make a matching contribution and to move a specified number of refugee migrants. It is anticipated that by the end of 1952, 12,500 out of a total of 26,000 U. N. refugees to be resettled under the auspices of the Committee will have been moved under this system. The number of refugees at present in Western Europe who should be moved is estimated at about 400,000 excluding Volksdeutsche, German expellees, etc. The Committee is anxious to make its maximum contribution to the solution of this problem and accordingly has set aside a sum of \$1,320,000 for grants to voluntary agencies during 1953.

16. Having received from the International Refugee Organization funds to be used for the purpose, the Committee has also been assisting in the movement of refugees of European origin at present resident in China, who, unless they are enabled to emigrate, have little hope of survival. This work is carried out in association with the United Nations High Commissioner for Refugees and a number of

voluntary agencies. By October 31, 1952, 676 refugees had been embarked from China for countries of resettlement. At its fourth session the Committee authorized the Director to employ the technical facilities of the organization for the movement of refugees of European origin now resident in other areas outside Europe, as well as China, on the understanding that Committee funds would not be used apart from any special contributions made to the operating fund which might be earmarked for the purpose. The areas in question are principally Turkey and countries of the Middle East. The chief obstacle impeding the movement of these refugees is the lack of immigration visas and the problem cannot be solved unless countries of reception can see their way to accept much larger numbers of these particularly unfortunate people. The total number involved is from 12,000 to 14,000, between 7,000 and 8,000 of whom are in China.

RELATION OF THE COMMITTEE TO VARIOUS ASPECTS OF THE PROBLEM

17. It will be seen that the Intergovernmental Committee is doing everything within its power to facilitate the movement of surplus population and refugees from western Europe on the one hand and to assist to certain overseas countries to acquire the population they need on the other hand. However, the contribution which it can make to the solution of this most urgent problem is limited by the volume of resources put at its disposal, by the immigration policies adopted by the reception countries and by the degree to which the economic expansion of underdeveloped countries can be effectively carried out. Nevertheless, the importance of the Committee should not be measured only by its initial achievements, its future program of work or the possible extension of its present activities. It represents the only hope of those millions of Europeans at present condemned to unemployment or underemployment, with no prospects for their future. Moreover, the establishment of the Committee, as a result of American initiative, based on broadmindedness and imagination, was the first attempt to approach on an international basis a problem which has been one of the most serious causes of insecurity and conflict in Europe for some years past and has driven certain countries, for lack of international understanding, to seek purely national solutions and to adopt policies, the international implications of which were highly dangerous. International cooperation and the solutions to this problem thereby made possible are essential for mutual understanding between the members of the Atlantic community as well as between the members of the European community. In that connection, the refugee problem, while it has economic, demographic, and social aspects, is obviously related to the defense of freedom and therefore highly political in character.

18. The connection between the problem of surplus population and refugees on the one hand and that of the need for population in underdeveloped countries on the other hand has already been pointed out and should not be lost sight of. As is already known, much attention is being given to problems of economic development, including the necessity to increase world food production, by the United Nations and several of its specialized agencies, as well as by the United States Government through the point 4 program. The utilization of surplus population from European countries in the development of underdeveloped countries would obviously be advantageous to both sides.

NEED FOR ADDITIONAL IMMIGRATION POSSIBILITIES

19. While it is undeniable that one of the most effective means of increasing migratory movements from Europe would be through the economic development of certain overseas countries, which would open up substantial immigration possibilities, such economic development is not within the power of the Intergovernmental Committee. Moreover, economic development by its very nature is a slow process and even plans initiated now would not yield immigration possibilities for some considerable time to come. A prerequisite of any settlement project is the provision of adequate housing; the clearing of land and the construction of roads and communications take time; and none of these can be commenced until detailed studies have been made and plans worked out for the financing of such projects.

20. On the other hand the need for action to stimulate the movement of migrants, including refugees, from Europe is urgent. It is therefore essential that openings be found immediately in overseas countries already capable of receiving migrants. It is upon the liberality of the immigration policy of the

governments of those countries that the extent to which the problem of surplus population and refugees can be relieved must depend for the moment.

21. The role of the United States Government in this field has been predominant for some years past and is well known throughout the world. Not only did it take a leading part in the United Nations Relief and Rehabilitation Administration and the International Refugee Organization, but it also took the initiative in setting up the Provisional Intergovernmental Committee for the Movement of Migrants from Europe. That initiative was an original, imaginative and generous attempt to approach a world problem as a political and economic matter while at the same time recognizing it as a major humanitarian enterprise. Although not directly connected with the North Atlantic Treaty Organization, the Committee is engaged upon one aspect of the problem which that Organization was set up to meet, namely the threat of communist penetration into western Europe.

22. It is in regard to the Intergovernmental Committee and the task before it that the whole of the free world now looks to the United States for leadership. Whatever decisions the United States Government and Congress take in this regard quite apart from the benefits they may bring to America itself, will be of the greatest importance, not only in their direct effect upon the problem of surplus population and refugees in terms of immigration possibilities but also in their indirect effect as an example to other countries, whose subsequent actions in the matter will be accordingly the more or the less generous.

ANNEX A

MIGRATION CONFERENCE

Brussels

6 December 1951

Plenary Session

RESOLUTION TO ESTABLISH A PROVISIONAL INTERGOVERNMENTAL COMMITTEE FOR THE MOVEMENT OF MIGRANTS FROM EUROPE

(Adopted at the 13th Meeting, 5 December 1951)

THE GOVERNMENTS adopting this resolution

RECOGNIZE

that there exists a problem of surplus population and refugees in certain countries of Europe, while certain overseas countries offer opportunities for the orderly absorption of additional population;

that the problem is of such magnitude as to present a serious obstacle to economic viability and cooperation in Europe;

that, whereas a general improvement in economic conditions and increased production would provide increased possibilities for employment and settlement in Europe and, by facilitating intra-European migration, would offer a very important contribution to the solution of the problem, an increase in European emigration to countries overseas nevertheless remains another necessary element;

that a close relationship exists between economic development and immigration;

that international financing of European emigration should contribute not only to solving the problem of population in Europe, but also stimulate the creation of new economic opportunities in countries lacking manpower;

that, while technical assistance may make an important contribution to the solution of the economic problems of the underdeveloped countries, the development of all existing or potential possibilities of immigration into these countries also constitutes an important factor for the solution of these problems;

that the present volume of migration is insufficient to meet the needs of emigration countries or to allow full use of the possibilities offered by immigration countries;

that there is need for the pursuit by the appropriate international agencies of all migration activities falling within their respective fields;

that the provision of facilities for the transport of migrants who could not otherwise be moved without such facilities can make an important contribution to increased migration;

that, although the movement of migrants should as far as possible be effected by the normal commercial shipping and air transport services, co-ordination in this field is necessary in order to enable the movement of the largest possible number of migrants by those services, and furthermore to ensure that the I. R. O.'s present shipping facilities are applied to the extent necessary to secure an additional movement of migrants;

that steps should be taken to provide transport facilities for such refugees as may desire and have the opportunity to emigrate from overpopulated countries; and

that, consequently, provisional intergovernmental arrangements between the democratic governments which adopt or may hereafter adopt this resolution are necessary in order to move persons who are attached to the principles to which these governments subscribe and who desire to emigrate to overseas countries where their services can be utilized in conformity with generally accepted international standards of employment and living conditions, with full respect for human rights; and

AGREE

(1) to constitute a "Provisional Intergovernmental Committee for the Movement of Migrants from Europe";

(2) that the purpose of the Committee will be to make arrangements for the transport of migrants, for whom existing facilities are inadequate and who could not otherwise be moved, from certain European countries having surplus population to countries overseas which offer opportunities for orderly immigration consistent with the policies of the countries concerned;

(3) that the terms of reference of the Committee will be:

(a) to provide and arrange for land, sea, and air transportation as required;

(b) to assume responsibility for the charter of such ships operated under the auspices of I. R. O. as may be required;

(c) to coordinate a shipping programme utilizing commercial shipping facilities to the maximum extent possible and the chartered ships transferred from the I. R. O. to secure those movements for which commercial facilities are inadequate;

(d) to take such actions as may be directly related to these ends, taking account of such national and international services as are available;

(e) to take such other actions as will be necessary and appropriate to discharge the foregoing functions;

(4) that among the migrants with whom the Committee will be concerned are included refugees and new refugees for whose migration arrangements may be made between the Committee and the governments of the countries affording asylum;

(5) that membership in the Committee will be open to governments with a demonstrated interest in the principle of the free movement of persons and which undertake, subject to approval by the proper governmental authorities, to make a financial contribution to the Committee, the amount of which will be agreed to by the Committee and by the government concerned;

(6) that the Committee will elect its own officers, establish its Rules of Procedure, establish such subcommittees as it may decide (including an inter-governmental subcommittee on the coordination of transport), and exercise the powers required to carry out its purpose;

(7) that the Committee will agree to a plan of operations, a budget, a plan of expenditure and the terms and conditions under which available funds shall be spent, in accordance with the following principles:

(a) each country of reception will retain control of standards of admission and the number of immigrants to be admitted;

(b) only those services will be undertaken by the Committee which are essential to the movement of migrants who could not otherwise be moved;

(c) the Committee will ensure that its administration is conducted in an efficient and economical manner;

(d) any member government making a contribution to the operating fund will be able to stipulate the terms and conditions under which that contribution can be used;

(8) that the Committee will appoint a Director responsible to the Committee;

(9) that the Committee shall vest the Director with the powers necessary to carry out the responsibilities entrusted to him by the Committee;

(10) that the Committee will give early consideration to the question of the relations to be established with international, nongovernmental, and voluntary

organizations conducting activities in the field of migration and refugees; and (11) that the Committee will examine the need for its continuing existence beyond a twelve-month period.

ANNEX B

INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

MEMBER GOVERNMENTS

Australia	Denmark	Luxemburg
Austria	France	Netherlands
Belgium	German Federal	Paraguay
Brazil	Government	Sweden
Canada	Greece	Switzerland
Chile	Israel	United States
Costa Rica	Italy	Venezuela

The CHAIRMAN. Is Dr. Painter here?

STATEMENT OF SIDNEY PAINTER, PROFESSOR OF HISTORY, JOHNS HOPKINS UNIVERSITY, OFFICER AND DIRECTOR OF THE AMERICAN COUNCIL OF LEARNED SOCIETIES, ACCOMPANIED BY EDWARD DUMBAULD, SECRETARY OF THE AMERICAN SOCIETY OF INDUSTRIAL LAW

Dr. PAINTER. I am Sidney Painter, professor of history, Johns Hopkins University, and officer and director, American Council of Learned Societies, 1219 Sixteenth Street NW., Washington, D. C., which I represent here, with Mr. Edward Dumbauld.

The CHAIRMAN. Have you a prepared statement, sir?

Dr. PAINTER. Yes.

The CHAIRMAN. The Commission will be glad to hear your statement.

Dr. PAINTER. I have a brief statement here. Our primary interest is showing our interest in the subject rather than making precise suggestions.

This statement is being made at the direction of the board of directors of the American Council of Learned Societies, which is a national council of 24 professional societies in the humanities and the social sciences, and a member of the International Union of Academies.

I am accompanied by Edward Dumbauld, attorney at law of Uniontown, Pa., a former special assistant to the United States Attorney General, secretary of the American Society of International Law. Mr. Dumbauld was appointed by the board of directors of the ACLS to serve with me as a special committee on passport and visa problems affecting scholars in the humanities and the social sciences.

The American Council on Education has indicated its interest by consulting with us about this statement and has had occasion in the past few years to deal with various Government agencies concerned with this problem.

Both these organizations and their constituent societies are vitally interested in anything which affects the international interchange of scholarly publications and personnel insofar as it concerns the development of their respective fields of scholarship. In every field of scholarship in the humanities and social sciences the advancement of knowledge and the promotion of research activities are dependent upon contributions made in many countries. For example, in the

field of Biblical studies we depend heavily on the scholars in the University of Jerusalem, who are close to the source of new materials. Besides this routine day-to-day interest in the effective functioning of international interchange, the ACLS and its constituent societies support the general policy of international intellectual cooperation which they share with other groups of our citizens in the development of a peaceful and friendly free world. This policy has now received legislative formulation as a national policy of our Government by several acts of Congress.

In passing the Fulbright Act the Congress of the United States clearly expressed its belief that the exchange of scholars between this country and others served the interests of the United States. Congress has confirmed its acceptance of this point of view by generous appropriations to carry out the Fulbright program both by setting up agencies to administer it and by supplying supplementary funds.

Moreover, Congress in the Educational Exchange Act of January 27, 1948, made provision for interchange between the United States and other countries of students, professors, and leaders in fields of specialized knowledge or skill. In that act Congress also provided for the establishment of the United States Advisory Commission on Educational Exchange to be appointed by the President, with the advice and consent of the Senate. This Commission consists of five members, not more than three of whom may be of the same political party. Distinguished educators, including President Harold W. Dodds, of Princeton University, have served on that Commission. Thus Congress has made clear that it regards the international exchange of scholars as a valuable contribution to the public interest.

This policy established by Congress has received strong support from all those who are interested in the advance of scholarship and the promotion of intellectual cooperation both here and abroad. The various foundations and institutions of higher education have brought foreign scholars to America and facilitated foreign travel and study for the scholars of the United States. The personnel of foundations and universities have devoted a large amount of time and energy to administering this international exchange of scholars. In short, it seems clear that the exchange of scholars is an important part of the policy of the United States, and a large amount of both public and private funds have been devoted to it. Anything that interferes with the effectiveness of this exchange should be a cause of grave concern to the country.

The American Council of Learned Societies is one of the organizations that have taken an active part in encouraging the international exchange of scholars. The learned societies that compose it have a vital interest in the exchange of ideas and knowledge between the scholars of the United States and those of other lands. They also value the effect of this exchange on international amity and understanding. The directors of the council have for some time been disturbed by reports that the policy of the United States in issuing visas and the administration of this policy have done much to nullify the effectiveness of the program. In its spring meeting the board of directors appointed a committee to investigate this situation and to recommend action if it seemed desirable and feasible.

The directors of the council are not as yet in a position to present statistics or to attempt to assess the causes of the situation, but there

is ample evidence of its seriousness. Foreign scholars invited to come to the United States are subjected to extensive and humiliating inquisitions and incredibly formidable questionnaires. This alone does much to prejudice them against the United States. But far more serious are the delays involved before the visa is received. In many cases the visa has come so late that the opportunity to visit the United States no longer exists.

These annoyances and long delays both hamper the arrangement of exchanges and create bad feeling instead of good. And this affects far more than the individual scholar concerned. Reports of these annoyances and delays spread rapidly, and the reputation of the United States is gravely injured. In England at least there is a serious question whether the damage done by reports of the humiliations inflicted on scholars planning to visit the United States has not overbalanced the good effects of the exchanges made.

The council is fully aware of the difficulties involved in enforcing the immigration acts passed by Congress. It has only one suggestion to make. Scholars are as a rule well known to their colleagues and their opinions and activities are rarely secret. Most of them are attached to institutions of learning. Might not a statement from a university or research institution be accepted *prima facie* as adequate evidence of a scholar's suitability for admission to this country on a nonimmigrant basis?

Moreover, in view of the fact that visiting scholars are not numerous in comparison with the traveling public generally, and are usually coming to the United States to attend a particular conference or school term, which has fixed and definite dates, it seems that possibly an expedited procedure for handling these cases could be established, if the consular authorities were appropriately instructed by the Department of State regarding the importance of promoting the congressional policy regarding educational exchange. They should also be informed of the possible detrimental effects to international good will which might be produced by failure to handle these applications promptly. On account of the status of the parties concerned, these consequences in such cases would be out of proportion to the number of persons affected.

The CHAIRMAN. Thank you very much.

Is Dr. Meyerhoff here?

STATEMENT OF HOWARD A. MEYERHOFF, ADMINISTRATIVE SECRETARY, AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE

DR. MEYERHOFF. I am Dr. Howard A. Meyerhoff, administrative secretary, American Association for the Advancement of Science, 1515 Massachusetts Avenue NW., Washington, D. C., which I represent here.

I have a statement I should like to read.

The CHAIRMAN. We will be pleased to hear it.

DR. MEYERHOFF. I hold the position of administrative secretary of the American Association for the Advancement of Science. By profession I am a geologist, though I have devoted my time and attention to the administrative affairs of the association for a short period of service as executive secretary in 1945-46, and as administrative secre-

tary since January 14, 1949. I am appearing at the invitation of the Commission and will endeavor to present testimony in behalf of the association, which is an organization of approximately 48,000 individual scientists and 237 affiliated and associated scientific societies. In preparing this testimony I have sought the assistance of officers of the National Research Council, the American Chemical Society, the American Geological Institute, the American Institute of Biological Sciences, the American Institute of Physics, the Federation of American Societies for Experimental Biology, the American Mathematical Society, and the American Psychological Association. An effort to secure information from the American Astronomical Society was unsuccessful. There are other scientific fields, such as anthropology and archeology, that might have been included, but the time available was too short to extend inquiries in these or other possible directions. Although these several organizations have supplied much of the background material from which this statement was prepared, may I say I do not speak officially for any of them.

It is my understanding that the members of the Commission are especially interested in securing testimony relative to the visa problem, which affects foreign scientists who wish to visit this country on scientific missions, rather than to immigrate with the intention of becoming American citizens. The information on immigration as it relates to foreign scientists is meager and difficult to assemble, and no effort will be made to cover this aspect of the subject, which, however, I believe has been dealt with by other witnesses. It should be noted that the implications of visitation are so drastically different from those of immigration that the two merit not only separate consideration but distinctive procedural handling. I shall return to this subject later.

The American Association for the Advancement of Science and its affiliates have been interested in assuring relative freedom of movement of scientists and other professional people from one country to another, subject to necessary but reasonable security regulations, ever since the termination of the war in 1945. The association's interest is based on the experience that science is international, discoveries in basic science may occur in any country, and the only way in which our Nation can remain in the forefront of scientific and technological development is through unhampered intercommunication. The problems relative to international travel, except in the countries behind the iron curtain, did not become well defined until the passage of the legislation now in force. Up to the present time there has been no official consideration or action with reference to the implications of the new legislation that will become effective in late December. The provisions of this legislation are currently being studied to determine whether they may affect the situation in any significant way, but on this particular subject I am not prepared to present any statement.

The association has taken official cognizance of problems encountered in administering existing legislation through its council, which passed a resolution at Philadelphia on December 29, 1951. The AAAS Council is the policy-making body of the American Association for the Advancement of Science, comprising approximately 250 members, some of whom represent the 48,000 individual members of the AAAS, but most of whom are official representatives appointed by the 184

affiliated societies, which are entitled to 1 or 2 representatives, depending upon the size of their respective memberships.

The resolution that was adopted at the Philadelphia meeting of the council was, naturally, concerned with the two-way movement of scientists, hence it deals with both passports and visas. Inasmuch as it sets forth a widespread though by no means unanimous reaction of scientists to certain provisions of the law and to its administration, it has pertinence in this testimony, and I quote it herewith:

The council of the American Association for the Advancement of Science is profoundly disturbed over the present world conditions which so severely impede the free interchange of knowledge even among friendly nations. Danger to the future of our Nation is implicit in such restrictions.

The council recognizes the need for measures which will effectively safeguard our security, but expresses its troubled concern over the manner in which such measures, in particular the McCarran Act, are being administered to prohibit American citizens from going abroad and citizens of other nations from coming here to interchange knowledge of science which does not affect security.

The council strongly urges that the administrative procedures under the McCarran Act be reviewed and modified so as to minimize injustices and to increase both our internal strength and our prestige abroad.

The council further urges revision and improvement of the relevant portions of the act, to retain the objectives of necessary security, but with adequate provisions to maintain free interchange of knowledge that has no security implications.

The phraseology of the resolution indicates quite clearly that American scientists have, from time to time, encountered difficulty in securing passports for travel abroad and that foreign scientists have likewise encountered comparable difficulties in carrying out plans to visit this country. There has, of course, been no opportunity for additional experiences under the new legislation, but there is no reason to believe that the situation will change in any essential way. Inevitably the operation of any law becomes evident in its application to individual cases, and the only effective way to deal critically with a law is through the discussion of specific cases.

This type of procedure is fraught with dangers insofar as the cases presented may or may not possess validity. It will be readily appreciated by the Commission that scientists and scientific organizations are not in a position to investigate, or to test the validity of, individual cases; yet it is important to recognize that the invalidity of any individual case does not in any way weaken criticism that would have applied had the case possessed validity. Fortunately, the experiences of many foreign scientists have been quite carefully documented, and 26 of them have been presented in the October 1952 issue of the *Bulletin of the Atomic Scientists*.¹ I understand that copies of this issue have been placed at the disposal of the members of the Commission, but I wish to enter this issue of the periodical in question officially into the record that will be studied by the Commission. I call especial attention to the cases that are presented on pages 223 to 252, inclusive, and I also invite attention to the critique of the visa situation prepared by Edward A. Shils in the editorial entitled "America's Paper Curtain," which appears on pages 210 to 217 of the same issue. Despite the documentation, I wish to make no specific claim for the validity of any of the 12 cases presented in detail on pages 223 to 246, though

¹ *Bulletin of the Atomic Scientists*, vol. VIII, No. 7, October 1952, published by the Educational Foundation for Nuclear Science, Inc., 956 East Fifty-eighth Street, Chicago 37, Ill.

I might state that the statement prepared by Michael Polanyi on pages 223 to 228, inclusive, together with the opinions submitted by John R. Baker and P. W. Bridgman, published on page 229 in the October issue of the Bulletin of the Atomic Scientists, seems to merit careful study and analysis.

I am prepared to add to the 26 cases presented in this special issue of the Bulletin of the Atomic Scientists, if the Commission so desires. The material that has been placed in my hands or that has come directly to the association from individuals involved in visa problems provides information on eight additional cases, as well as supplementary documentation for some of the cases presented in the Bulletin. It seems of greater importance, however, in this brief statement to extend the testimony in a different direction, and also to make some effort to classify and to systematize it.

Of very serious concern to the scientists of this country is the fact that, within the past 12 months, scientists in at least five different fields have definitely decided against holding international meetings in the United States. The most candid reaction has come from the psychologists, and a statement from the American Psychological Association dealing with this matter has been read into the Congressional Record (vol. 98, No. 88, pp. 5920-5921). Here it was stated that, in deciding to hold the 1954 International Congress of Psychology in Canada, the psychologists agreed not to hold a meeting in the United States until and unless the existing legislation is "modified in such a way that visiting scientists will not be put through an inconvenient and embarrassing procedure in order to gain permission to visit this country."

Comparable action was taken by the International Congress of Genetics in voting to hold the ninth congress in Italy in 1953, and the tenth congress probably in Canada in preference to the United States. Although the astronomers of the International Astronomical Union were somewhat more reticent in official records regarding the locale of their next meeting, they declined an invitation to meet in the United States for the same reason. The 1954 International Federation of Documentation and the Nineteenth International Physiological Congress will also be held outside the United States, notwithstanding invitations to meet here, but other reasons were given for the decisions in both these cases: specifically, the unfavorable rate of foreign exchange. Although it is understood that the visa situation was also a factor in the decisions reached by these two groups, this cannot be supported by documentation.

With respect to the individual scientists who have been denied entry or who have been delayed in entering the United States, analysis reveals that they can be classified into a comparatively small number of types.

1. In regard to foreigners who are active members of the Communist Party, the McCarran Act of 1950 is specific, and no particular issue has arisen, though the need to deal as rigorously with visitors as with immigrants has been questioned.

2. Foreign scientists who at any time past had admitted or alleged connections with the Communist Party have been given the same treatment as active Communists, yet their cases have possessed varying degrees of merit to which adequate consideration has rarely been given. Enforced membership in the Communist Party without Com-

minist sympathy, or temporary membership in the party for the purpose of combating Nazi occupation through "underground" activity, and voluntary membership that was ultimately renounced when full comprehension of the implications of communism was acquired, are three types of background cases encountered in this general category. Analogous situations have been faced in dealing with German citizens who had been forced into nominal membership in the Nazi Party in Germany. The new McCarran-Walter Act of 1952 sets up machinery for appeals by individuals in this category, but decisions are still discretionary and hence problematic.

3. Categories 1 and 2 are created by specific provisions of the act, but a much larger group of prospective scientific visitors is affected by the administration of the act. Foreign scientists whose political records are above reproach and whom the act was clearly designed not to exclude commonly find themselves involved in the operation of machinery that has not been satisfactorily geared to the volume or the kind of business that must be processed. A few sensitive individuals have resented some of the questions that are asked in conformance with the requirements of the law. And once again, I go back to Dr. Painter's statement about the difficulties that foreigners have with questionnaires. Many scientists have experienced such long delays in action on their applications for visas that the events in which they had planned to participate in this country were things of the past before permission to enter the United States was granted. A disconcertingly large number of scientists who were planning longer stays—in some instances as visiting professors in educational institutions—have been delayed or even precluded from entry by consular insistence on additional evidence regarding the adequacy of financial support. Only rarely has the personnel in United States consular offices been aware of the dignity and esteem attached to scholastic distinction abroad, and the treatment that has been accorded several foreign scientists by our consular agents has generated, and is generating, an atmosphere of international ill will that has prompted scientists in some of the western democracies to bracket the United States with the U. S. S. R. in respect to attitude toward foreign visitors. Inaccurate and unjust as such a comparison may be, its causal relation to the visa problem is ample evidence of defects in the existing machinery of administration that demand correction.

The visa situation should be viewed, and reviewed, against a background in which national security is a dominant factor. As the association's resolution of December 29, 1951, clearly demonstrates, the scientific profession does not minimize the need to protect our democracy against subversive influences and to guard our scientific and technological secrets. Scientists, however, are only too acutely aware of the fact that there is no protection against the independent discovery of supposed secrets; that scientific progress has international roots that draw upon basic discoveries made in many different countries for sustenance; that free intercommunication, which will give American scientists quick access to new scientific developments in other countries, is not only vital to the national welfare but crucial in preserving our national security. Scientists heartily endorse the kind of caution that excludes the subversive who seeks to obtain and to export our technological secrets and to import propaganda that aims

at the overthrow of our democracy, but they consider any barrier to the free flow of information into this country as an even greater threat to national security. There is such a threat—inadvertent, to be sure—in certain provisions of the present law and in its administration, and it is only this threat that the profession seeks to remove. The importance of the international exchange of scientific information has been partially set forth in an article under that title, prepared by Wallace R. Brode, associate director of the National Bureau of Standards, and published in volume 28, No. 50, of *Chemical and Engineering News* (pp. 4332–4338) on December 11, 1950, and a reprint of this article is herewith submitted for entry into the record.¹ Although certain of the problems outlined by Dr. Brode have been accentuated during the 22 months that have elapsed since the article was printed, his remarks still provide essential background material in dealing with the movement of foreign scientists into this country and of American scientists into foreign countries.

In the preceding remarks, the impression may have been given that the mesh that screens foreign scientists seeking to enter the United States is too fine, and in general this is true. American scientists, especially those working in Government laboratories where highly classified research is being carried on, have, however, been perplexed by statements from the Department of State to the effect that the possession of a visa on the part of a foreign scientist is no guaranty that he is a good security risk, and that possession of the visa does not entitle him to visit laboratories in which classified research is in progress. We are thus confronted with the fact that the task of screening scientific visitors is being carried on so imperfectly that many who are entitled to enter this country are excluded, whereas others, who are admittedly poor security risks, obtain entry. It is understandable that the Department of State should be unwilling to assume responsibility for permitting foreign visitors to have access to classified information and operations; but this very fact indicates that screening cannot be done in the consular offices and should not be attempted, and that more uniform and somewhat more liberal policies should be adopted in giving visas to scientists who are planning comparatively short stays in the United States. The task of screening these visitors for possible access to classified projects and information can more effectively be conducted in this country by agencies that are staffed and equipped for such investigation as may be appropriate.

This rather brief and incomplete summary indicates that the existing legislation—and presumably the impending legislation—should be further reviewed and should be revised on the basis of experience which has been acquired since 1950, and which was not available when the legislation was drafted and passed by the Congress. From the cases that have been studied and classified it may be included that:

¹ International Exchange of Scientific Information, reprinted from vol. 28, pp. 4332–4337, 4406, *Chemical and Engineering News*, vol. 28, No. 50, December 11, 1950, the American Chemical Society.

1. The provisions of the current law have been responsible for several grave injustices to individuals, whose exclusion from the United States must be viewed as a loss to American science, as well as a set-back to American prestige and international good will;

2. The administration of the existing legislation is unsatisfactory, in part because—

(a) The facilities for handling the volume of business are inadequate;

(b) The personnel upon whom the primary responsibility of administration has fallen only exceptionally has the background and training to handle it judiciously; and

(c) Insofar as current legislation requires investigative procedures, this responsibility cannot be assumed or handled expeditiously by those to whom it has been delegated.

3. Although the legislation that will go into effect in December provides machinery for appeals from adverse and presumably unfair decisions in certain cases, it does not solve the major problems or remove the causes for growing international friction and ill will;

4. Without relaxing vigilance against the infiltration of Communists, the law may appropriately and profitably be liberalized and some of the problems solved by distinguishing between those who propose to immigrate into this country and whose qualifications for American citizenship should be critically scrutinized, and those who merely plan short visits and whose scientific knowledge is potentially of value to American institutions and scientific organizations.

I have no wish to leave with the Commission the impression that scientists have a distorted perspective on the visa question. The colleagues who have supplied me with information have mentioned as many cases in which foreign scientists have entered this country without trouble or delay, as they have cases where unwarranted difficulty or outright refusal was experienced. They are rightly concerned, however, with the imperfections of the law and its administration, because these imperfections are creating ill will that is being reflected in the increasing number of decisions on the part of international scientific bodies not to schedule meetings in the United States. If this trend continues, American science faces the threat not merely of becoming provincial but also of becoming atrophied to the point where the national welfare and national security will suffer. Security and welfare are founded on knowledge, only part of which originates within the confines of the United States.

The CHAIRMAN. Thank you very much. We are very glad to have this statement. The document published by the atomic scientists has been filed with us. You mentioned Dr. Shils in your testimony. You may be interested to know he testified before us in Chicago.

Is Dr. Waterman here?

STATEMENT OF ALAN T. WATERMAN, DIRECTOR, NATIONAL SCIENCE FOUNDATION

Dr. WATERMAN. I am Dr. Alan T. Waterman, director of the National Science Foundation, 2144 California Street NW., Washington, D. C.

With your permission, I should like to read a prepared statement.
The CHAIRMAN. The Commission will be glad to hear you, Dr. Waterman.

Dr. WATERMAN. The National Science Foundation is an independent agency in the executive branch of the Federal Government. The Foundation was created by the National Science Foundation Act of 1950 and came into existence as a going organization during 1951.

Your invitation to the Foundation was to testify concerning the impact of the immigration laws upon science. For the most part, the effect of the immigration laws upon science is not substantially different from the effect upon other professional and scholarly activities. In matters concerning the admission of foreign scientists as visitors, however, experience has demonstrated the existence of a problem of special concern to science and one in which the stake of this country is large. It is, therefore, to this special problem that I shall speak.

I should like to place my remarks in perspective by indicating the nature of the interest and the competence of the National Science Foundation in this field. The creation of the National Science Foundation by Congress in 1950 was itself recognition of a fact to which the national and international events in the first half of this century bear witness: The emergence of science and technology as a crucial and sometimes decisive factor in the rise and fall of nations and the personal destinies of all men. The nations of the free world are now engaged in a grim and seemingly endless struggle to maintain the precarious balance for peace and security. In this struggle the decisive edge in military strength or, if our hopes are realized, in the peaceful development of the economic resources of our world, if we can hope that will come, is likely to go to that nation or group of nations which most successfully supports and develops its scientific and technological strength.

Since the late 1930's, when the magnitude of this country's stake in vigorous scientific research and development began to be apparent, the resources of the Government have been marshaled in support of science. Today the Federal Government's annual budget for scientific research and development is in the order of \$2,000,000,000, to which private enterprise and the universities add perhaps 50 percent more. Nine Federal agencies, in addition to the Foundation, pursue major research programs covering widely the scientific fields known to man. The National Science Foundation, however, was devised in the years following the end of World War II, "as a much-needed keystone in the structure of the national research program," to use the words of the President in transmitting the Foundation's first annual report to the Congress. One of its principal tasks is to appraise the rapid growth of research activity, both public and private, and to recommend the broad goals toward which this effort should be channeled. The Foundation is also directed by the National Science Foundation Act to cooperate in international research activities. It is principally in these capacities, then, as the adviser to the Government on national policy with respect to scientific research, and as a principal agency concerned with international cooperation in scientific research, that the Foundation has approached the problem of foreign scientific visitors under the immigration laws.

In assessing the problem of the Federal Government, the Foundation has drawn upon the experience of other Government agencies and, through the wide contacts of the Foundation with the scientific community in this country, upon the experience of scientists themselves.

I would like, Mr. Chairman, to submit for the record the written statements on this subject by the Department of Defense, the Atomic Energy Commission, and the Department of Agriculture. Upon the basis of information available to the Foundation through these channels, it is clear that the provisions of the present immigration laws governing the temporary admission of aliens to this country, and the administration of these laws, have created a problem. If the solution to this problem is long delayed, a seriously detrimental effect on the strength of science in this country may be expected. Any such handicap to our progress in science will in turn unquestionably react adversely on our welfare and security in the years ahead. A further consequence would be a weakening of cooperative relationships with friendly countries in an important component of our common defense, namely, scientific research and development.

The problem arises in the restrictions on temporary admission of an alien visitor, now stated in section 137 of the 1950 law and retained in the law which will become effective in December this year. Since these restrictions have been in effect since 1950, we have had an opportunity to observe their consequences for science. Opinion among scientists is practically unanimous that they have brought about deterioration in the relationships of American scientists with their opposite numbers in countries friendly to the United States, particularly in the United Kingdom and Western Europe.

Effective scientific research calls for creative ability of an outstanding order. Such ability is no respecter of national boundaries. At a given time in a given field of science the leaders in the field are usually found in at least several countries in the world and the researchers in the field in practically all. Much of the progress in science is achieved through the inspiration and guidance of the few individuals of outstanding competence and experience. For progress on the frontiers of science it is especially necessary that these leaders have opportunities to discuss their ideas and plans with each other and with the large group of research workers who are providing the body of research which comprises that field of science. Observations and conclusions reached by competent scientists in any one country are invaluable to the research of scientists in other countries working on the same or similar problems. While I am speaking here primarily of basic or fundamental research—i. e., research on a frontier of science—the importance of this exchange of information is no less for our applied research and technology. There is overwhelming evidence on this score. Until well into the twentieth century this country advanced its technology and standard of living to the highest level the world has seen. Yet, it is universally admitted that in so doing we drew heavily on the findings and accomplishments in pure science abroad. Without ready access to this foreign stockpile of scientific information, this progress would have been impossible. There is overwhelming evidence on this. This was especially true up to the twentieth century, when basically everything we had came from abroad.

Now that we are among those in the forefront of progress in basic scientific research, it is common sense and in the interest of economy to insure that loss of critical time and needless duplication do not arise through failure of ready communication. Without opportunity for exchange of views and information, delay and unnecessary duplication will inevitably occur. It is for this reason that from the very beginnings of science scientists have put a very high value on good channels of communication. The value of direct communication in speed, in dollars, and in ultimate accomplishment is great.

The bulk of international scientific communication is carried out continuously through written media. It is common knowledge, however, that there are limitations on the capacity of the written word to convey complete information which can be useful to cooperative effort or to the work of an individual which requires an intimate knowledge of the work of others. It is hard to imagine this Commission or a legislative body attempting to draft legislation by correspondence, or a court reaching a just and impartial decision without having seen or heard the opposing witnesses in person. As in all human affairs, there is no substitute for informal discussion face to face.

This is exemplified in a more formal manner by the existence of a large number of international professional organizations, concerned with particular scientific fields or subjects, and comprised of the leaders in these fields. These organizations periodically bring together outstanding scientists for exchange of ideas, mutual criticism, and marking out new lines of research along the frontiers of science. Much is owed to them for continued work on such great world-wide problems as tidal waves, sea level and its variation, maintenance of international standards of measurement, long-range radio transmission, epidemic control, health and disease, sanitary engineering, meteorology, and hundreds of other matters of concern to modern civilization and to our national defense. Agencies of this Government have also recognized the value to this country of direct, personal interchange of scientific information by convening special ad hoc conferences to focus the best minds in science on a problem of particular significance.

Of at least equal importance are the contributions of individual foreign scientists to the progress of science in this country through visits to laboratories in this country for periods of research and to universities for lectures or seminars.

Estimates of the number of scientists coming to international meetings or to laboratories and universities in the United States are difficult to make. Compared to the stream of visitors to this country for all similar purposes, including pleasure, which in the fiscal year 1951 comprised more than 300,000 persons, the number of scientific visitors (excluding students) is small, perhaps less than 3,000, or 1 percent, each year. But the scientists who do come here are important to our scientific strength out of all proportion to their number, for they consist, generally speaking, of the best scientific minds of the free world outside this country.

I should point out that the exchange of scientific information with which we are here concerned does not include classified security information. No one questions the necessity of safeguarding such information. Classified research necessarily proceeds without the full benefit of communication in this manner. From the standpoint of prog-

ress alone there is no question that this is a handicap, but one agreed to be necessary.

The difficulty with the present system of visitor control has been aptly summarized in a recent periodical¹ in the following terms:

"In the past few years a very large number of distinguished European scientists, almost all of them anti-Communists and deeply devoted to the freedom in which scientific truth is sought and discovered, have been frustrated in their efforts to come to the United States to share their knowledge with their American colleagues. Their applications for visas have in many cases been refused, usually after long delay; in other cases the visas have been finally granted, but only after delays so long that scientific meetings to which they had been invited had taken place, or the teaching appointments for which they had been engaged had lapsed through their failure to arrive in time to fulfill them."

It has been estimated that under the existing statutes at least 50 percent of all foreign scientists who apply to enter the United States meet difficulties or serious delays. This does not imply that the number of actual refusals to foreign scientists of permission to enter is very great. The principal damage appears to occur in a small number of cases involving seemingly unjustified refusals to outstanding persons, coupled with the tedious, cumbersome, and uncertain process experienced by those who do pass through the screen. The Foundation is, of course, in no position to conclude that in any particular case the decision has been unwarranted. It is not that so much as the red tape. In some cases it is difficult to understand, from the public record, why admission has been refused. However, it is not so much the final outcome in any one case as it is the total effect of the system on our science and upon our scientific relations abroad which is harmful.

The impact of the present situation on the opinion of scientists is evidenced in editorials from leading periodicals in this country and abroad, as well as in published correspondence. A brief bibliography sampling these materials is appended to this statement for the convenience of the Commission.

This and other evidence demonstrates widespread opinion that the system operates in so cumbersome and hostile a manner that many foreign scientists would prefer not to become involved with it. To the degree that this opinion spreads and becomes confirmed, United States science is cut off progressively from the contributions of British and Western European scientists and those of other friendly foreign countries. These have, many times in the past, been of great value to progress in scientific fields important as the basis of our progress and security.

We must not imagine that America does not need information and inspiration, and cooperation, from outstanding scientists in friendly foreign countries. We do not have any monopoly on scientific talent or the emergence of new discoveries in science. As I have stated, we benefited perhaps more than any other world power from scientific discoveries made elsewhere. The development of some of the most vital weapons in our armament stems from open, unclassified fundamental scientific research abroad. This field of unclassified scientific

¹ Bulletin of the Atomic Scientists, vol. 8, October 1952, p. 210.

research is the peacemaker of technological advances and where we are really interested in getting the best minds together. I don't need to summarize some of the difficulties that have been encountered here. The previous speakers have given those in some detail. Radar, the atomic bomb, jet aircraft, and penicillin were perfected in the United States on the basis of discoveries and research in foreign countries to which we were given ready access.

The extent to which the United States needs to draw scientific knowledge from abroad is indicated by an analysis of the nationality of scientists awarded the Nobel prize. During the first 20 years of this award, 1901-20, a total of 43 awards were made in physical sciences, 15 to Germany, 26 to other European nations, and only 2 to Americans. None of the 17 awards in medicine and physiology went to Americans. Of the 60 awards in the physical sciences in the years 1921-49, 44 went to European scientists, 2 to Asian scientists, and 14 to Americans. Although a considerable number of American scientists have received Nobel prizes, the fact remains that to date three out of four of these awards in science have gone to scientists outside the United States.

I am sure that it was not the intention of the Congress, in refining and redefining the security provisions of the immigration and naturalization laws, to impede the progress of science or decrease the military security of this country by adversely affecting scientific research programs. I am just as confident that, once the special problem of science is made known, constructive changes can be expected. I also do not wish to claim that the difficulties which we have experienced have been or are likely to be catastrophic in their effect on the progress of science in this country, though this is a possibility. My judgment is, however, that the effects of the present policy, if continued for long, can be substantial in slowing down the progress of this country on many important scientific frontiers. The implications, for international relations generally, of alienating a substantial number of the distinguished citizens of friendly foreign countries I leave to those more experienced in political affairs than I. I can say, however, that the implications for science in this country of alienating the foremost scientists and the leaders in scientific thought in friendly countries are indeed serious. What has happened, thus, is sufficiently important to the research effort of this country to merit the attention of this Commission and, I hope, eventually of the Congress.

What should be done?

Our survey of the problem, though not an exhaustive one, indicates that there is room for improvement both in the law and in its administration. We are encouraged by the fact, of which we have been informally advised, that the Department of State has been actively investigating all aspects of the visitor-visa problem. It seems likely that a satisfactory solution from the point of view of science will require not only improvement in administration by the State and Justice Departments but also some revision of the law. For specific constructive recommendations in this field the Foundation looks with confidence to the work of this Commission and, ultimately, the Congress. We would like, therefore, to suggest some approaches for consideration.

First, let it be said that the Foundation recognizes that rigorous and effective security measures are required under present world conditions to preserve the integrity of our Government and our country.

We must be protected by adequate safeguards against admittance of undesirable or dangerous individuals on either a permanent or a temporary basis. The Foundation believes at the same time that our people can understand that overemphasis on the mechanics of measures for security can seriously compromise security when it cuts us off from access to information vital to our strength. The question is frankly one of proper balance between security by isolation and security by technological achievement.

An important first step toward this end could be taken by making a distinction in the statute between requirements for temporary admission of a nonimmigrant alien and requirements for admission of an alien who intends to become a permanent resident of the United States. Complicated administrative procedures, extensive security checks, exhaustive questionnaires, and careful interrogations should be acceptable as part of an application for permanent entrance and ultimate citizenship in the United States. The same administrative procedures and criteria are not easily understood or accepted in the case of an application for a visit of a few weeks or months. It is implicit in this suggestion, of course, that strict measures be employed for screening out foreign agents, saboteurs, and secret couriers.

The next suggestion is that the criterion requiring exclusion of an alien visitor might rationally become present, sympathetic association with a foreign subversive organization rather than, as now, affiliation, in an extremely broad sense of the word, at any time in the past with such an organization. It is encouraging that the Congress has already taken a step in this direction by providing exceptions for persons who in the past were so affiliated but who have terminated such affiliation for 5 years prior to the date of application for a visa and have been actively opposed to the program of the subversive organization. The change from past to present association might be coupled with a requirement that there be developed a definitive listing, similar to the Attorney General's list under the Federal employees' loyalty program, of subversive organizations whose character as such has been publicly identified by an authoritative body or officer after due investigation. This would do much, the foundation believes, to assist administrative officers in evaluating the nature of organizations with whom foreign scientists have been associated in one manner or another during the confused and troubled years of the last two decades in Europe.

The foundation's third suggestion grows out of recognition that our Government has been accumulating a wealth of experience with security programs in which a balance must be struck between security by isolation and security by technological achievement. In order to insure that this balance be safeguarded and maintained it is suggested that consideration be given to providing for selective audit from time to time of applications for temporary admission, by a competent, reliable, and disinterested group with appropriate experience both inside and outside of Government.

There is one further possibility that should be considered, particularly if the other suggestions prove to be impracticable. It is a possibility that the foundation advances with some reluctance because it appears to set apart from other alien visitors a separate class—one having outstanding records of achievement in the professions, such as science, scholarship, and technology, and to accord to this class of persons special treatment. The suggestion seems worthy of consider-

ation because it is among this class that the stake of this country in granting prompt admission is often demonstrably the greatest. I have in mind a separate section of the immigration law which, if established, would create a much-simplified and expeditious system for admitting such persons, perhaps defined in terms of those eligible for reciprocal exchange under the Smith-Mundt Act—"students, trainees, teachers, guest researchers, professors, and leaders in fields of specialized knowledge or skill"—who have applied for admission to this country for a purpose directly related to the activities of a Government agency, an accredited institution of higher learning, or a scheduled meeting of an accredited international professional organization.

While, in giving you my views, I speak for the foundation, as director, I should note that it has not been possible for me, within the limits of the time available, to obtain from the 24 members of the National Science Board—in effect, the board of directors—a direct expression of their opinions. I feel confident, however, that my position is shared substantially by all members of the board.

The foundation is grateful to the Commission for the invitation to present its comments and would welcome an opportunity to work with you further, if desired. We must never lose sight of the critical importance of a far-ranging and vigorous scientific research program to the security and great destiny of our country.

APPENDIX TO REMARKS BY ALAN T. WATERMAN BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

SAMPLE EDITORIAL, NEWS, AND LETTER COMMENT INDICATING IMPACT OF UNITED STATES VISA POLICY ON THE VIEWS OF SCIENTISTS

Bulletin of the Atomic Scientists, volume 8, October 1952:

- Shils, Edward A., *America's Paper Curtain* (editorial), pages 210-217.
- Eminent American Scientists Give Their Views on American Visa Policy (views of Albert Einstein, Hans A. Bethe, Harold C. Urey, James Franck, Samuel Goudsmit, Cyril S. Smith, Arthur H. Compton, and William P. Murphy), pages 217-220.
- Weisskopf, Victor F., *Report on the Visa Situation*, pages 221-222.
- Some British Experiences (views of Michael Polanyi, R. E. Peierle, M. L. Oliphant, Paul Erdos, V. R. E. Davies, E. A. Guggenheim, and E. A. Pringsheim), pages 223-232.
- Cunliffe, Marcus, *the British Reactions to the McCarran Acts*, pages 223, 256.
- Aron, Raymond, *American Visa Policy*, pages 234-235.
- Some French Experiences (views of Jacques Monod, Jean Leray, Lawrence Schwartz, Daniel Chalouge, Jacques Hadamard, J. Wyart, J. Coulomb, Charles Bruneau, Eugénie Cotton, Alfred Kastler, Charles Sadron, and Georges Friedmann), pages 236-246.
- Leprince Ringuet, M. Louis, *French Physicists and U. S. Visas*, page 247.
- Some Other European Experiences (views of Bruno Ferretti, Italy, F. E. Borghis, Switzerland, and M. Minnaert, the Netherlands), pages 247-249, 261.
- The Treatment of Good Neighbors* (views of Manuel Sandoval Vallarta, Mexico, Juan de Oyarzabal, Mexico, Marcos Moshinsky, Mexico, and Leonardo Guzman, Chile), pages 250-252, 258.
- Banning Science* (anonymous letter), *Washington Post*, May 10, 1952.
- Banning Science* (editorial), *Washington Post*, May 5, 1952.
- Curbs on Freedom Disturb Scientists* (news item on comments of distinguished British scientists), *New York Times*, September 9, 1951.
- Editorial*, *Boston Traveler*, May 23, 1952.
- Friendly, Alfred, *Visa Barrier—Scientists Attack Exclusion Policy*, *Washington Post*, October 13, 1952.
- Inman, Samuel Guy, *Refusal of Visas Queried* (letter), *New York Times*, December 19, 1951.

Scientific Freedom and Security (editorial), *Nature*, volume 170, pages 215-218.

(This is an expression of opinion in the leading British scientific journal.)

The Scientists Speak Out (editorial), *New York Times*, October 13, 1952.

Wylie, Lawrence, Visa Refusal Cited (letter), *New York Times*, January 6, 1952.

STATEMENT No. 1

THE SECRETARY OF DEFENSE,
WASHINGTON, October 25, 1952.

DR. ALAN T. WATERMAN,

Director, National Science Foundation, Washington, D. C.

DEAR DR. WATERMAN: I have your letter of October 8 requesting certain information for your use in testifying before the President's Commission on Immigration and Naturalization. I have asked Mr. Whitman, Chairman of the Research and Development Board, to answer the questions you have asked, since this is a field in which he has primary concern. I am enclosing his memorandum to me. You are at liberty, if you so desire, to place this letter and the enclosed memorandum in the record of the hearings before the Commission.

Sincerely yours,

(Signed) ROBERT A. LOVETT.

RESEARCH AND DEVELOPMENT BOARD,
Washington, D. C., October 20, 1952.

MEMORANDUM FOR THE SECRETARY OF DEFENSE

Subject: National Science Foundation Letter of October 8.

The National Science Foundation has inquired as to the extent, if any, to which present laws and regulations relating to the issuance of nonimmigrant visas to alien scientists and technicians have created difficulties in the conduct of research and development programs. I should preface my remarks by stating that it is axiomatic that the freest possible interchange of ideas produces the best possible climate for scientific progress, and that scientific progress in the United States is vital to our national security. From this standpoint, speaking as a scientist, I feel that the extremely restrictive procedures required for nonimmigrant visas to alien scientists are unfortunate. However, I am unable to point to any specific instance of direct interference with military research and development programs resulting from present laws and regulations in this regard.

The National Science Foundation requested evidence of opinion among the scientific and technical leaders of the United States and abroad critical of the present nonimmigrant visa system and its administration. I have noted newspaper articles referring to the recent article in the *Bulletin of Atomic Scientists*, which is apparently strongly critical of the present system, and feel I can add little to the evidence available from public sources.

The National Science Foundation has asked for the Department of Defense view with respect to the need for revision of the present laws and regulations relating to the issuance of nonimmigrant visas to alien scientists and technicians and the administrative or legislative changes considered necessary or desirable from the point of view of scientific research and development. It is my personal opinion that the restrictive procedures relating to the issuance of nonimmigrant visas to scientists will, in the long run, be detrimental to the progress of science and hence to the Department of Defense. I do not think, however, that the Department has had any direct experience with this problem on which to base a formal recommendation for the revision of the present laws and regulations relating to the issuance of nonimmigrant visas to alien scientists.

I have, as Dr. Waterman suggested, addressed myself solely to the question of nonimmigrant visas. I should point out that, so far as immigrant visas are concerned, the priority provided in section 203 (a) (1) should be extremely valuable and the Department of Defense strongly supports the maintenance of this provision.

WALTER G. WHITMAN, *Chairman*.

STATEMENT No. 2

UNITED STATES ATOMIC ENERGY COMMISSION,
Washington, D. C., October 24, 1952.

HON. ALAN T. WATERMAN,
Director, National Science Foundation,
Washington, D. C.

DEAR MR. WATERMAN: Thank you for your letter of October 8, 1952, advising us that the National Science Foundation has been invited to present testimony before the President's Commission on Immigration and Naturalization on October 27 or 28 concerning the effect of the immigration and naturalization laws on science in the United States.

The answers to your questions in the order they were presented are listed below:

Question 1. To what extent, if any, in the experience of the Commission, have the present laws and regulations relating to the issuance of nonimmigrant visas to alien scientists and technicians created difficulties in the conduct of research and development programs?

Answer 1. The present laws and regulations relating to the issuance of nonimmigrant visas to alien scientists and technicians have not directly created difficulties in the conduct of the Commission's research and development programs. However, we are not in a position to evaluate the extent to which these laws may indirectly have affected Commission programs by discouraging qualified alien scientists from participating in research and development programs in this country by other groups.

The Commission has always encouraged visits by foreign scientists to the United States when such visits would make a constructive contribution to the atomic-energy program insofar as they were consistent with security requirements. We are particularly aware that the development of atomic energy is based in large part on discoveries which took place in foreign laboratories, and we still have need for the many fundamental contributions which foreign science can make. Nuclear physics and chemistry, for example, are fields where more basic knowledge is urgently needed, and where the traditionally free exchange of basic scientific information is essential to maximum progress. Foreign science can and does make really significant contributions to these fields. It is important, therefore, that this source of help not be denied the United States. Certainly any legislation which denies to the United States the free exchange of basic scientific information may impede the research and development programs of the Commission and its contractors.

Question 2. Does the Commission have evidence of opinion among scientific and technical leaders in the United States or abroad which is critical of the present nonimmigrant visa system or its administration?

Answer 2. We do not believe that we have available any evidence of opinion among such scientists and technical leaders which the National Science Foundation does not have. As you know, the October 1952 issue of the Bulletin of Atomic Scientists was devoted to this problem.

Question 3. What is the view of the Commission with respect to the need for revision of the present laws and regulations relating to the issuance of nonimmigrant visas to alien scientists and technicians?

Answer 3. The AEC feels that the National Science Foundation is in a much better position than the Commission to suggest changes in present laws and regulations relating to the issuance of nonimmigrant visas to alien scientists and technicians. However, we shall be happy to cooperate with you in the formulation of such proposed changes insofar as they affect the atomic-energy program.

Question 4. What, if any, administrative or legislative changes in the present nonimmigrant visa system does the Commission consider necessary or desirable from the point of view of scientific research and development?

Answer 4. The Commission feels that the Government's policy on the issuance of nonimmigrant visas to alien scientists and technicians should be broad enough to permit admission of foreign scientists and technicians to the United States for visits of a scientific nature and for participation at unclassified scientific meetings and conferences, unless there are clear and cogent reasons for believing in individual cases that acts of subversion, sabotage, or other actions inimical to the best interests of the United States might be committed. Clearly it is the definitions of the standards by which such determinations are made that are most difficult to properly set forth and to administer.

The Commission has no objection to having this letter placed in the record of the hearings before the President's Commission on Immigration and Naturalization.

Sincerely yours,

M. W. BOYER, *General Manager.*

STATEMENT No. 3

DEPARTMENT OF AGRICULTURE,
Washington, October 22, 1952.

Dr. ALAN T. WATERMAN,

Director, National Science Foundation, Washington, D. C.

DEAR DR. WATERMAN: Referring to your letter of October 8, 1952, the Research Administrator's Office in this Department has recently been checking bureau chiefs concerned in scientific work to learn what experience they have had on the effect of immigration laws on American science.

Expressed as answers to the questions in your letter, our comments would be as follows:

1. To what extent, if any, in the experience of the Department, have the present laws and regulations relating to the issuance of nonimmigrant visas to alien scientists and technicians created difficulties in the conduct of research and development programs?

Under a program carried out in cooperation with the State Department, the laboratories of the Department of Agriculture receive a great many trainees and visitors from foreign countries each year. Such visitors numbered 2,278 during the fiscal year 1952. About 60 percent of these are sponsored by United States Government agencies such as the Mutual Security Agency, the Technical Cooperation Administration, and the Department of the Army, or come in under Fulbright scholarships or under the act covering the expenditure of loan repayments from Finland. The other 40 percent are unsponsored by United States agencies so far as we are advised, and apparently come at the expense either of themselves or the companies or governments they represent.

There have been cases where trainees and visitors have expressed to members of the Department displeasure of the manner in which their affairs were treated by immigration officers. These problems are of an administrative nature and will be discussed below under question 4. No specific instances have come to our attention, however, in which scientists of note whom our specialists would particularly like to see have been refused admittance to this country.

2. Does the Department have evidence of opinion among scientific and technical leaders in the United States or abroad which is critical of the present nonimmigrant visa system or its administration?

The Department has no specific information on the opinion among agricultural scientists and technical leaders in the United States about the present nonimmigrant visa system.

3. What is the view of the Department with respect to the need for revision of the present laws and regulations relating to the issuance of nonimmigrant visas to alien scientists and technicians?

The Department has no experience that would indicate the need to revise the present laws and regulations affecting the entry of nonimmigrant visitors. It is the desire of the Department to communicate freely with our colleagues in the field of agriculture in other parts of the world and it looks upon the visits of American agricultural scientists and technicians to foreign countries as an important medium for advancing agricultural education. Conversely, the visits of foreign scientists and technicians to this country will do a great deal to promote the agriculture of the other countries through the exchange of agricultural information. We see no objections to visits of distinguished scientists in cases where there is no record of overt activities or propaganda hostile and dangerous to the United States.

4. What, if any, administrative or legislative changes in the present nonimmigrant visa system does the Department consider necessary or desirable from the point of view of scientific research and development?

We do not see the need for any legislative changes in the present system except that there are some inequities in the administration of the law that reflect on our relationships with foreign scientists and technicians. These are:

1. Personnel entering the United States with the same visa for the same purpose and for the same period are frequently authorized different periods of stay by immigration officers in this country.

2. Applications for extension of entry permits requested in accordance with regulations governing nonimmigrant visitors are sometimes administered in too restrictive a manner to be consistent with the purpose which the mutual security and economic development laws set out to achieve.

3. United States immigration officers in the district offices throughout the country need to be well informed of sections of the immigration law which pertains to the temporary visits of foreign scientists and technicians.

There have been cases which we know of where district offices had little knowledge of provisions in the immigration laws and considerable embarrassment was caused to these persons largely because our immigration officers were not fully informed.

4. The head tax levied on persons entering the United States in the categories being considered in this report is sometimes administered inconsistently. Our foreign guests have a difficult time trying to understand why the tax is levied on some and not on others when the individuals possess the same type of documentation.

Like other organizations interested in scientific development, this Department is also concerned about the instances reported in the press where American scientists have been refused passports to go abroad for reasons and on evidence that has not been made available to them. This is a related question but apparently will not be involved in the Commission's hearing on October 27-28.

We have no objection to your including this reply among the documents you submit to the Commission for the record.

Sincerely yours,

K. T. HUTCHINSON, *Acting Secretary*.

The CHAIRMAN. Thank you very much. This problem has been presented to us in different parts of the United States, but you have a number of suggestions here that are new. They haven't been made before. These are different alternatives that you suggest. I don't know how practical some of them are. One of them in particular deals with the making of a selective audit. I don't know how that would work in many instances. There are many instances where scientists ask to come over and take part in a symposium of some kind, to deliver a lecture and return immediately. I have had experience with requests for help in some of the New York Academy of Sciences' cases. We have had testimony here from it. For instance, the Metropolitan Museum of Art, which has been cooperating with other institutions of learning and which has attempted to bring other people over, has very often found that scientists or artists are asked to come over just to read a paper or give their views on some topic or other and return. They have made application, assumed they would go through as a matter of course, and then it has been stated they find that the application has been held up. Before they can find out what they can do about it, the time for them to come and go is over. That, we are informed, happened a number of times. It is not clear to me how you can audit those.

Dr. WATERMAN. We had in mind a board that could review them selectively from time to time.

The CHAIRMAN. To see what had been done?

Dr. WATERMAN. Yes. This would keep the thing from getting out of hand.

The CHAIRMAN. It appears that they have been audited quite thoroughly in publications being submitted to the Commission. A number of newspapers and other publications have given a great deal of publicity to the cases set forth.

Dr. WATERMAN. In that case the public wouldn't have access to all the facts. In that case the board would have and could have access to all the views on that.

The CHAIRMAN. Thank you very much. We certainly appreciate your coming and we certainly appreciate your getting the views and expression from the other scientific agencies with which you are connected.

Is Dr. Fitzgerald here?

STATEMENT OF HON. W. AVERELL HARRIMAN, DIRECTOR, MUTUAL SECURITY AGENCY, PRESENTED BY D. A. FITZGERALD, ASSOCIATE DEPUTY DIRECTOR

Dr. FITZGERALD. I am D. A. Fitzgerald, Associate Deputy Director of the Mutual Security Agency, Washington, D. C.

I am here this afternoon to present a statement by Mr. W. Averell Harriman, Director of the Mutual Security Agency, who unfortunately is out of town. Mr. Chairman, with your permission, I will read it.

The CHAIRMAN. We shall be glad to hear it.

Dr. FITZGERALD (reading statement of Mr. Harriman). I very much regret that I cannot appear personally before the Commission to discuss the important question of our immigration policy, for the kind of program we adopt has a direct bearing on our foreign policy and our national security.

During the last few years the United States has been engaged in a tremendous and costly effort to unite the free world, and to help create economic and political stability and military strength among the free nations. Our aims have been to establish the conditions of peace, to promote the well-being of nations, and to enable the free world to deal with Communist aggression and Communist subversion. These are the great foreign-policy objectives which we have set for ourselves.

It has taken an immense effort by us and the other free nations, working together, to change the postwar chaos in Europe and Asia which Soviet communism planned to exploit, into the promising situation which exists today. I say promising situation because, while we are on the way to achieving our objectives, the job is not yet finished and much still remains to be done.

Because we are the most powerful Nation in the world, and free peoples everywhere look to us for leadership, guidance, and support, virtually everything we do—or fail to do—has a direct bearing on this world struggle.

The members of the Commission are, I am sure, well aware of how closely we are watched by other nations. Every law, every policy, every speech, every editorial—in fact, every action of ours, whether well or ill advised, has an impact abroad. Wise and sensible action on our part strengthens the great alliance of free nations which we are helping to build. It is only through such action that we can hope to win the support of a large majority of the world's population. Ill-conceived action weakens our friends and strengthens our enemies.

Immigration policy is a matter of domestic concern but, as in so many other fields, domestic policy can no longer be separated from foreign policy or from international considerations. The kind of immigration policy we adopt is a factor in the world struggle between democracy and totalitarianism.

Today our basic immigration policies are inconsistent with our democratic ideals, and a positive hindrance in our efforts to give moral leadership to the free world. The basis of our policies go back to the 1920's when we were pursuing an isolationist course in world affairs and ignoring our international responsibilities. They were adopted with a reckless disregard for the political and psychological effect on other peoples. The effect of our quota system based on national origin was to introduce distinctions related to race, color, and religion, which were not only insulting to many of our own citizens but offensive to the feelings and sensibilities of other nations.

Laws conceived under these very different circumstances should have no place in our life today. They do not fit the role we are now playing in the world. They do not reflect the new responsibilities for world leadership which have been thrust upon us. They do not help achieve our great objectives of uniting the free nations and building economic, political, and military strength, and far from helping to solve certain problems which face us in the world, they limit and obstruct our efforts.

Our immigration policy must be made to work for our great ideals and objectives—not against them.

Because our basic immigration policies were so outdated and inflexible, special legislation was enacted in 1948 opening our doors to almost 400,000 refugees. The Displaced Persons Act represented legislation that was in accord with the new position and the new responsibilities of the United States in the world. But the displaced persons program was only temporary, and the President repeatedly asked the Congress to enact new basic immigration legislation. Unfortunately, the act passed by Congress this year—the McCarran Act—failed to make the changes which are so necessary in our immigration policy. I recommended that he veto it. I am glad to say he needed no urging. He did veto it.

Meantime a separate effort was made by Congressman Celler to obtain passage of special legislation to allow 300,000 persons to enter the United States over the next 3 years from countries suffering from overpopulation and to provide resettlement opportunities for some of the escapees from Communist countries. I supported the Celler bill in a statement before the House Judiciary Subcommittee. Unhappily this bill, which was a stopgap measure, never reached the floor of the Congress.

We must now make vigorous new efforts to get the kind of legislation which is consistent with our over-all foreign policy objectives. It should be framed to help us solve certain international problems which confront us now and will continue to face us in the years immediately ahead.

What are these international problems which our basic immigration legislation could help to solve?

The first of these is Western Europe's surplus population, estimated at 3½ to 4 million. Germany, Italy, Holland, and Greece, and to some extent Austria and Trieste, are the principal areas suffering from over-

population. In each case the problem arises largely for reasons connected with the war or postwar situation. It need not be a permanent problem if the free nations will cooperate to help solve it. The greater part of the problem will not be solved by emigration but by the efforts of these nations to adjust and expand their economies. They will be successful in this regard only insofar as we and they, working together, succeed in creating an expanding European economy within the framework of an expanding world economy. This has been one of the main aims of American foreign policy in recent years. Meantime there exists a hard-core problem of surplus population in certain European countries for which migration offers the only solution.

We ought, therefore, for the next few years have an immigration policy which enables us to take in a substantial number of people from the surplus population countries in Europe. We should do this for humanitarian reasons. We should do it to help strengthen their economies. We should do it to help create political stability. We should do it so that we can, in good conscience, take the lead in asking other countries to do even more than they are now doing to help solve this problem.

Western Europe's surplus population has received considerable attention in international circles within the past year, and I believe the situation is now ripe for achieving a cooperative solution to this problem.

Within the framework of Western Europe, the OEEC Manpower Committee is currently seeking ways to stimulate the movement of people across national boundaries. One of the most encouraging steps in this direction was taken recently when the Schuman-plan countries agreed that coal and steel workers could move freely among the six member countries.

The North Atlantic Treaty Organization, too, is now considering ways to increase migration outlets within the North Atlantic community, for Europe's surplus population has a bearing on the problem of increasing military strength.

Under the Mutual Security Act we are helping to finance PICMME, an organization which assists in transporting people from Europe.

In the OEEC, NATO, and in PICMME, our efforts to find a cooperative solution to the problem of surplus population are handicapped, because our hands are tied by outmoded immigration policy. We would be in an even stronger position to offer leadership in developing an international solution to the problem of surplus populations if we ourselves took steps to liberalize our immigration policy.

Our basic immigration law should also be flexible enough to enable us to deal with other kinds of special situations. Since the Communist seizure of various countries in Eastern Europe, thousands of people—no one knows how many—have tried to escape. All we know is that, excluding the 15,000 to 20,000 a month fleeing from Eastern Germany, some 20,000 Poles, Czechs, Latvians, and other Eastern Europeans have managed to get out despite the great danger involved and the close border control. The position as it now stands is that these people are given asylum in the countries bordering on the iron curtain and then encounter the greatest difficulty in finding a place for themselves in the free world. For unlike the East Germans, they have no country of their own to go to. Under the Mutual Security Act we are doing what we can to help take care of them and help resettle

them but resettlement opportunities are limited. The problem of finding a new home for these people is not solely our responsibility but, as in the case of surplus populations, we must undertake to do our part. Under the present immigration law practically none of these people can come to the United States. Half the Polish quota has already been mortgaged for the next 50 years; the Latvian quota for the next 300 years. And the same is true of most of the other Eastern European countries.

Down to the First World War America was known the world over as a haven for political refugees. We must restore that great tradition. Our immigration policies should be revised to enable us during these next few years to offer refuge to some of these courageous and unfortunate peoples.

A third requirement of any basic immigration legislation, if it is to support our foreign-policy objectives, is that it should not offer offense to other peoples because of their race, color, religion, or national origin. Our present laws are an affront not only to the peoples of Eastern and Southern Europe but to the peoples of Asia.

We should not underestimate the importance of this matter for it has a direct bearing on the world struggle between democracy and totalitarianism. Asia is one of the great theaters of this struggle, for Soviet communism is now making a major bid for the minds of the Asian peoples. Our traditional support of the principle of independence for colonial peoples has won us friendship and respect among the Asian peoples. Our point 4 programs are helping them to develop their economies and to fight poverty and disease. We must now reexamine our immigration policies to see how they too can play their part in strengthening these bonds of mutual friendship and respect.

I have not tried in this statement to set out all the principles which should govern our immigration policy but only those that have an important bearing on our foreign-policy objectives. Those aspects of immigration policy dealing with its domestic impact and administrative procedures I leave to the agencies more directly concerned and better qualified to speak.

Let me then, in conclusion, summarize my views:

I am not advocating a policy of unlimited immigration to the United States. I am advocating a policy which would substantially raise the present severe limitation in numbers during this emergency period. I am advocating a policy which would eliminate discrimination and one that is flexible enough to enable us to contribute to the solution of particular problems which face us in the world today. I am advocating a policy which entitles us to ask other nations to make a greater effort. In short, I am advocating an immigration policy which is in harmony with our current foreign-policy objectives and reflects our current position of leadership in the free world.

The CHAIRMAN. Thank you very much, Dr. Fitzgerald.

Dr. FITZGERALD. I would like to add one personal remark. I just returned from 5 weeks in Europe, during which time I got as far as Turkey. Shortly before I left the United States the President had disapproved a recommendation of the Tariff Commission that certain tariff duties, particularly on Swiss watches, be raised. I think every place that I stopped in Europe the fact that the President had made that decision was commented on and commented on very favorably.

It was considered an indication of a further attitude and a more vigorous attitude on the part of this country to take the leadership in this particular matter, the economic matters of tariff.

I feel confident from that experience and from conversations I had all over Europe that if we are to expect effective contributions from countries in this surplus population problem we simply must take more aggressive leadership on our own part. We can set an example, a good one or a poor one.

THE CHAIRMAN. Do you think that in addition to such projects as the Mutual Security Program, which you are helping to administer, that our country's laws ought to reflect its beliefs and its desires to keep in effect the principles for which it wants the other nations to stand for and to fight for?

DR. FITZGERALD. I definitely do, sir.

THE CHAIRMAN. Thank you, sir.

MR. ROSENFELD. Mr. Chairman, Mr. William H. Draper, United States special representative in Europe for the Mutual Security Agency, has been requested to submit a statement, and I would like to request that the record remain open at this point for its incorporation.

THE CHAIRMAN. That may be done.

(There follows the statement submitted by the Hon. William H. Draper, United States special representative in Europe, Mutual Security Agency:)

STATEMENT SUBMITTED BY HON. WILLIAM H. DRAPER, UNITED STATES SPECIAL REPRESENTATIVE IN EUROPE, MUTUAL SECURITY AGENCY

I should like to address myself briefly to only one aspect of the multi-faceted problem with which your Commission is dealing, namely, the relation of our immigration policy to certain of our foreign-policy objectives.

By the force of circumstances, certainly not by choice or preference, the United States finds itself with other free nations, engaged in a struggle against the Communist version of totalitarian dictatorship which replaced fascism and nazism as the threat to the free world. Because of enlightened self-interest, we embarked on a course the principal objective of which is to cooperate with free nations everywhere which hold the same fundamental convictions on the value of a democratic society and to assist them in protecting and preserving the freedom which is essential to our own security. This aim motivated the Marshall plan, the aid to Greece and Turkey, and, ultimately, our participation in NATO which is a substantial and going concern of the greatest importance to the United States and the free world as a whole. The same motivation underlies our technical assistance program, the peace treaty with Japan and the connected series of bilateral and multilateral agreements with the free nations in the Pacific; our adherence to the Rio pact and other regional agreements with the sister nations in the Western Hemisphere; and last, but not least, our unwavering support of U. N. objectives and activities seeking to safeguard the political and military security and the economic and social well-being of its members.

You may ask what relation our immigration policy has to these basic objectives of our foreign policy. You may argue that immigration is a matter solely of domestic concern. Such argument may have had validity 30 years ago when the United States lived in comparative political, ideological, and geographic isolation; but it is surely no longer true in the world of today. Whether we like it or not, we are part of the world, and we can no longer disassociate ourselves from what happens elsewhere; neither can we ignore the fact that, because of our position of leadership in the free world—a responsibility not sought but thrust upon us—and action or nonaction on our part has an impact on the rest of the world.

As I said before, one of our foreign-policy objectives is the preservation and strengthening of a community of free nations.

The free movement of people is one of the basic characteristics of any free community; the growth, the strength, the power of our United States—a free community of 48 States—was to a large extent due to the absence of restriction upon the movement of our people. We cannot expect, realistically, to see the same freedom applied at once to the larger North Atlantic community which we are now building, in cooperation with our partners, to protect our way of life. The growth toward that ultimate objective must be gradual and responsive to the economic and other developments in all fields of communal activities. But, surely, we must recognize that greater freedom of movement should become characteristic of the North Atlantic community if it is to be more than a fiction. We must recognize that we, the United States, are in a position to make a substantial contribution toward that goal without endangering domestic interests, economic, social, or political. Indeed, the admittance of migrants from many lands during our earlier and more liberal policies has done much to build up the United States to what our country is today, both materially and spiritually. There is no reason to doubt that the infusion of new blood, new ideas will redound to our benefit as much in the midtwentieth century as it did throughout the nineteenth century. We must recognize that, because of our leadership in the free world, forward-looking, courageous and bold action on our part will influence other free nations, in the Western Hemisphere, in other lands, as well as in Europe, to benefit their allies and friends and themselves by adopting less restrictive policies regarding migration.

What I am proposing concretely is that we take another close look at our immigration policy and adjust it to the conditions of the world of today and tomorrow and to our place and role in that world. This does not mean that we should remove all barriers and throw our gates open to all and sundry, without control and limits. But it does mean that our policy as expressed in legislation on the statute books should be responsive to our needs and capabilities. We are capable of admitting, absorbing, and assimilating more newcomers than is permitted under present legislation. We need not tie our hands to national-origin quotas based on legislation enacted over a quarter of a century ago in circumstances which no longer exist and which discriminates undeservedly against some of our own partners in NATO. In endeavoring to strengthen the economic and military defense of the free world, and particularly of the North Atlantic community, we should recognize immigration policy as one of the elements in achieving economic and political stability as well as social equilibrium.

There is a serious overpopulation and resulting unemployment or underemployment problem in several countries in Europe which have joined with us to defend the free world. This is the case in Italy, in Greece, in the Netherlands, in the German Federal Republic, and to a lesser extent in Austria and Trieste. To some extent, and to various degrees, this problem is aggravated by the presence and continuous influx of refugees and escapees. I need not dwell upon the cumulative effects of unrelieved problems of chronic overpopulation; the unemployment, the lowering of living standards to a point where sections of the population vegetate in grinding poverty and lose hope for the future; the resulting economic stagnation and waste of human resources—all these create breeding grounds for communism. These problems cannot be solved through immigration alone; internal economic developments and expanded industrial and agricultural activities by the respective governments must create new jobs and new opportunities at home. But we can help by liberalizing and making more flexible our own immigration policy. Such a liberalized policy would be significant to the extent that it benefits the United States and lightens the overpopulation burden of our partners, but even more importantly for its influence on others to do likewise by our setting the example.

I recommend, specifically, that—

(1) Our immigration legislation be reconsidered in the light of our foreign policy objectives with a view to the enactment of new legislation which should

(a) Increased substantially, but within our own economic absorption capacity, the number of immigrants admitted to the United States.

(b) Eliminate the discriminatory features of the legislation in force either by discarding the quota system on which it is based, or, in the alternative, by revamping the quota allocations in such a manner as to preclude discrimination, express or implied, based on nationality, race, or religion.

(2) Since preparation and enactment of up-to-date general immigration legislation may require time, special temporary legislation should be passed as soon as possible, permitting the United States to contribute its share to

the solution of the urgent surplus population, refugee and unemployment problems of friendly and allied countries, by the admission of an additional number of immigrants for the next 3 or 4 years from those countries—particularly Italy, Greece, the Netherlands, Austria, and the German Federal Republic—having serious problems of overpopulation.

The CHAIRMAN. Is Miss Council here?

STATEMENT OF MARY LEE COUNCIL, SECRETARY TO AND REPRESENTING HON. E. L. BARTLETT, DELEGATE IN CONGRESS FROM ALASKA

Miss COUNCIL. I am Mary Lee Council, secretary to the Delegate in Congress from Alaska, Mr. E. L. Bartlett.

I appreciate very much the opportunity of appearing here. I have a statement to read for the record.

The CHAIRMAN. Is the statement from the Representative?

Miss COUNCIL. No; it is my own. He is en route from Alaska to Washington. I am from Alaska, too, and I know he would like to have appeared here. I know this statement represents his views and those of all Alaskans.

The CHAIRMAN. They are your views and they also represent his views?

Miss COUNCIL. Yes.

The CHAIRMAN. If he were here he would say the exact same thing?

Miss COUNCIL. Yes, but better.

The CHAIRMAN. You may proceed.

Miss COUNCIL. It is the hope of all Alaskans that the Commission will study the effects of section 212 (d) (7) on page 26 of Public Law 414, Eighty-second Congress, and will recommend its modification so as to exclude Alaska from its provisions.

That section provides for screening of aliens traveling from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands who seek to enter the continental United States. It is our understanding that similar provisions have been in effect for the areas mentioned for some time, with the exception of Alaska. I cannot speak as to the merits of the provision as it relates to these other areas, but the inclusion of Alaska in the provision is, to our minds, most abhorrent.

In order to carry out the provisions of the section mentioned, it will be necessary to screen citizens of the United States traveling from the Territory to the continental United States. This, in itself, is discrimination against citizens of the United States living in Alaska. Such screening of traveling citizens between the States of New York and Pennsylvania, for example, would not be tolerated in this country, and it should not be tolerated with respect to Alaskans.

It is our belief that whatever persons are responsible for including Alaskans in the category they now find themselves displayed a sad lack of knowledge in our American system of government and were most unthinkingly casual in their application of such a section to Alaska. We have no doubt at all that in rewriting this particular

section for inclusion in the new law that someone suggested that since such a similar procedure applied to Hawaii, Guam, Puerto Rico, and the Virgin Islands it might as well apply to Alaska. Such inclusion displays complete ignorance.

In the first place, only Alaska and Hawaii are incorporated Territories of the United States. As such, they are the only remaining incorporated Territories under the American flag which have not yet achieved the historic destiny of incorporated Territories, namely, statehood. Such incorporation, extended to Alaska in 1912, provides that the Constitution of the United States and all its laws have the same force and effect as elsewhere in the United States. In other words, Alaska and Hawaii are integral parts of the United States. Their citizens are not to be treated under the Constitution any differently from the treatment accorded citizens of the United States.

But under section 212 (d) (7) they will be.

And it can be said that Alaska stands apart even from Hawaii with regard to the inadvisability of including Alaskans in this particular section. I believe the reason behind the original procedure as it applied to Hawaii was based upon the fact that certain aliens were admitted to the Territory of Hawaii for industrial reasons who were not entitled to enter the continental United States. However, all aliens now in Alaska are there because they were allowed to enter the United States under established immigration procedures, and they traveled to Alaska as they would have traveled from their places of entrance to any State.

If, indeed, the authors of this particular section decided to include Alaska because they felt there were aliens in Alaska who had illegally entered Alaska, the provisions of this section to which all Alaskans object would weaken the security of the Nation rather than strengthen it. If enforced and if there were aliens illegally living in Alaska who were considered subversives, then certainly this particular section would tend to increase rather than decrease the number of questionable persons in the Territory. Since Alaska is one of the most strategic military areas in the world, the security of the whole country would be weakened as such aliens would and could remain within the Territory close to military installations.

Alaskans are loyal and devoted citizens. We all feel that the application of this section to Alaska should be stricken from the law. The section tends to destroy the unity of Alaska with the United States when actually Alaska should be considered as it is—an inseparable part of the United States.

The CHAIRMAN. Thank you very much.

Mr. ROSENFELD. Mr. Chairman, at this point may I insert a communication into the record from the Delegate from Alaska, the Honorable E. L. Bartlett, and a communication from Mr. Warren C. Christianson, Secretary of the Sitka Chamber of Commerce in Alaska.

The CHAIRMAN. Both those communications may be entered into the record at this point.

(The communications follow:)

STATEMENT SUBMITTED BY THE HONORABLE E. L. BARTLETT, DELEGATE FROM
ALASKA IN THE CONGRESS OF THE UNITED STATES

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., September 29, 1952.

MR. PHILIP B. PERLMAN,
Chairman, President's Commission on Immigration and Naturalization,
Executive Office, Washington, D. C.

DEAR MR. PERLMAN: Specific reference is made to section 212 (d) (7) of Public Law 414, Eighty-second Congress, which requires inspection of aliens entering the continental United States from Alaska, Hawaii, Guam, Puerto Rico, or the Virgin Islands.

This letter is written with respect to the Territory of Alaska. It is the hope of all Alaskans for whom I speak that this particular section of the law will receive study by your Commission looking toward the recommendation that it be eliminated so far as Alaska is concerned. This section of the law is repugnant to Alaskans as it treats them in a fashion different from residents of the continental United States. The concern expressed takes several forms, all of which I believe are meritorious and worthy of consideration.

1. The provision discriminates against the Territory of Alaska, an integral part of the United States.

2. In order to carry out the provisions of the section, it will be necessary to screen citizens to find the aliens.

3. Since Alaska is one of the most strategic military areas of the world, the provision does not strengthen the security of the Nation but, in fact, weakens it since the provision would no doubt tend to keep aliens within the Territory where there are many secret and vital defense installations.

4. The provision is humiliating to Alaskans who are loyal and devoted citizens.

5. The administration's policy is to do all possible to encourage the development of Alaska for the economic well-being of the whole Nation. The new provision will endanger this policy since it will discourage one phase of that development, tourist travel.

6. The provision is a serious psychological set-back to Alaskans who have been working for many years for statehood which will bring full equality with all the States.

As I stated above, it is our hope that your Commission will give detailed study to the provision cited. It is my understanding that the commission plans to hold meetings throughout the country on the provisions of Public Law 414 and other immigration matters. I cannot urge too strongly that if hearings are scheduled that section 212 (d) (7) be considered at public hearings in the Territory of Alaska. The principle inherent in this section is abhorrent not only to Alaskans but to all Americans. I believe it is imperative that Alaskans be given the opportunity to meet with your Commission through hearings in the Territory.

Sincerely yours,

E. L. BARTLETT.

STATEMENT SUBMITTED BY WARREN C. CHRISTIANSON, SECRETARY OF THE SITKA
CHAMBER OF COMMERCE, SITKA, ALASKA

SITKA CHAMBER OF COMMERCE,
Sitka, Alaska, October 17, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Executive Office of the President,
Washington 25, D. C.

DEAR MR. DAVIS: The Sitka Chamber of Commerce has authorized me to file a strong protest against the McCarran Act, especially as it pertains to travel between the States and Alaska. The idea of having to be checked as we pass from one part of the United States to another is not only degrading, but contrary to the whole theory of the concept of the United States.

As a personal note and not necessarily representing the chamber, may I say that the provisions concerning the exclusion of certain racial groups and the type of power given the Immigration Department may be best expressed in the phrase, "It stinks!"

We have already sent a protest to the Judiciary Committee.

Very truly yours,

WARREN C. CHRISTIANSON,
Secretary, Sitka Chamber of Commerce.

The CHAIRMAN. The Commission will adjourn now to meet at 9:30 a. m. on Tuesday, October 28, 1952.

(Whereupon, at 5:50 p. m., the Commission adjourned to reconvene Tuesday, October 28, 1952, at 9:30 a. m.)

HEARINGS BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

TUESDAY, OCTOBER 28, 1952

TWENTY-SEVENTH SESSION

WASHINGTON, D. C.

The President's Commission on Immigration and Naturalization met at 9:30 a. m., pursuant to adjournment, in the Archives Auditorium, National Archives Building, Washington, D. C., Hon. Philip B. Perlman, Chairman, presiding.

Present: Chairman Philip B. Perlman, Mr. Earl G. Harrison, Vice Chairman, and the following Commissioners: Dr. Clarence E. Pickett, Rev. Thaddeus F. Gullixson, Mr. Thomas G. Finucane, Msgr. John O'Grady.

Also present: Mr. Harry N. Rosenfield, executive director.

The CHAIRMAN. The Commission will come to order.

This morning we will hear, as the first witness, Mr. Roland Elliott.

STATEMENT OF ROLAND ELLIOTT, DIRECTOR OF IMMIGRATION SERVICES, DEPARTMENT OF CHURCH WORLD SERVICE, NA- TIONAL COUNCIL OF CHURCHES IN CHRIST

Mr. ELLIOTT. I am Roland Elliott, director of immigration services, department of church world service, National Council of Churches of Christ.

I am also accompanied by a delegation, whom I will identify for the record. They are:

Rev. Walter W. Van Kirk, executive director, department of international good will, National Council of Churches of Christ

Rev. Earl F. Adams, director, Washington office, National Council of Churches of Christ

Rev. Wynn C. Fairfield, executive director, department of church world service, National Council of Churches of Christ

Very Rev. Francis B. Sayre, Jr., dean, Washington Cathedral

Rev. Harold H. Henderson, executive secretary, committee on displaced persons, Presbyterian Church

Rev. Benjamin Bushong, director, department of mutual aid, Brethren Service Commission

Milan Obradovich, displaced persons committee, Serbian-American Orthodox Church

Rev. Joseph M. Dawson, Baptist World Alliance

Rev. Fred E. Reissig, executive secretary, Washington Federation of Churches

Mr. ELLIOTT. Mr. Chairman, Dr. Van Kirk will be the one to present the official statement on behalf of the National Council of Churches of Christ.

I would like to say that in addition to explaining a little the organizational character of this far-flung organization, the National Council of Churches, and the fact that it represents many different ecclesiastical bodies in the United States, with a total membership of some 30 or 31 million, we would like to come before you explaining that our primary interest in this whole matter is as Americans seeking to see America continue a liberal and affirmative immigration policy. We do not pose in any way as experts in the field of immigration legislation; but, since we have been instrumental in making it possible for some 60,000 displaced persons to come to this country under the Displaced Persons Act, we have accumulated certain convictions and certain experience that we gladly offer to the Commission in its study.

Dr. Van Kirk will carry on.

The CHAIRMAN. The Commission will be glad to hear from Dr. Van Kirk.

STATEMENT OF REV. WALTER W. VAN KIRK, EXECUTIVE DIRECTOR, DEPARTMENT OF INTERNATIONAL GOOD WILL, NATIONAL COUNCIL OF CHURCHES

Dr. VAN KIRK. With your permission, I will read my prepared statement.

The CHAIRMAN. We shall be glad to hear it.

Dr. VAN KIRK. I desire to speak to three phases of the problem with which this Commission is concerned: (1) Amendments to the immigration and naturalization law of 1952; (2) special emergency legislation; and (3) the relation of private agencies in the operation of a refugee immigration program. In support of what I have to say, I am filing herewith for the consideration of the Commission a copy of a statement on immigration and naturalization policy approved by the general board of the National Council of Churches of Christ in the United States of America on March 21, 1952.

In its statement the National Council of Churches urged Congress to enact an immigration and naturalization statute that would (a) make the quota system more flexible; (b) remove all discriminatory practices based upon consideration of color, creed, race, or sex; and (c) establish a system of fair hearings and appeals respecting the issuance of visas and deportation proceedings.

The immigration and naturalization law of 1952, as approved by Congress, is at some points not compatible with the spirit and intent of the principles set forth by the National Council of Churches, principles which are dictated alike by consideration of Christian justice and love of country.

The National Council of Churches would like to see the quota system made more flexible, including the utilization of unfilled quotas. We reject the idea of unlimited immigration. The United States simply could not absorb the millions of persons who would come to our

shores were the doors of entry thrown wide open. However, it is the view of the National Council of Churches that such restrictions as to numbers as may be required should be achieved without discriminations predicated upon national origin or racial heritage. Eligibility should be related to personal character, individual worth, and commitment to the ideals of freedom and democracy cherished by the American people. Once a ceiling on numbers has been fixed, we believe serious consideration should be given to establishing a system of immigration priorities which would facilitate family reunion, provide skills needed in our country, and offer asylum to persecuted victims of totalitarian regimes. Moreover, in this critical hour it is desirable that the United States shall strengthen and not weaken the bonds of friendship within and among the free peoples of the world. This end cannot be achieved so long as our immigration and naturalization laws discriminate against the nationals of certain countries whose friendship we seek and must have if the free world is to endure.

In certain respects the McCarran-Walter Act discriminates against Asiatics. Persons with Asian ancestry but not of Asiatic birth, who seek entry to the United States, are charged not to the country of birth but to some country of Asia. This appears to us to be an unwarranted restriction that cannot but be resented by Asiatics, the more so since they alone are thus dealt with. It is our hope that the President's Commission will recommend changes in the McCarran-Walter Act designed to correct this situation.

The National Council of Churches believes that the immigration and naturalization law of 1952 does not establish a system of fair hearings and appeals respecting the issuance of visas and deportation proceedings. While recognizing the necessity of reasonable safeguards against the infiltration of subversive individuals, we believe such safeguards can be established without investing immigration officials and consular officials with the extraordinary powers accorded them under the McCarran-Walter Act. It is our belief that admission to and deportation from the United States are matters that should be subject to a fair and uniform review procedure.

Pending the revision of the immigration and naturalization law of 1952, the National Council of Churches is prepared to support emergency legislation of a limited character. As recommended by the National Council of Churches, such legislation should provide for the admission to the United States of our fair share of refugees, expellees, and escapees from behind the iron curtain and of such displaced persons as are awaiting resettlement.

While the National Council of Churches did not specify how many persons should be permitted to enter the United States under special emergency legislation, I wish to point out that at a meeting of Protestant and Orthodox church leaders, held in New York, September 29, the belief was expressed that approximately 250,000 refugees who have family connections in the United States, or who possess special skills, could be absorbed in the American economy over a 3-year period. Whether or not the National Council of Churches would itself support this figure, I cannot say. My impression is that it would.

The National Council of Churches does not believe that migration problems related to surplus populations should be dealt with in emergency legislation. We believe the time is past to deal with those

matters on a piecemeal and emergency basis. Nor does the National Council of Churches believe that the United States or any other nation, acting separately, can solve the many problems related to displaced persons, refugees, and surplus populations. The migration and resettlement of these people is a world problem and should be dealt with on a world basis. We would welcome a review of this entire matter by the United Nations, and, with the moral and material assistance of our own and other governments, the creation of such international machinery as would be competent to deal with this world issue in a world manner.

It is the judgment of the National Council of Churches that the administration of a refugee program should be on a humanitarian and nonsectarian basis operated by the Government with supplementary services provided by voluntary agencies.

I am filing with the policy statement of the National Council of Churches a paper entitled "The Church's Refugees,"¹ in which the Commission will find an exposition of the functions of government in relation to private agencies.

I also wish to submit for incorporation in the record a statement approved by the general board of the National Council of the Churches of Christ in the United States.

The CHAIRMAN. That will be inserted in the record at this point. (The statement is as follows:)

UNITED STATES IMMIGRATION AND NATURALIZATION POLICY

Statement approved by General Board of the National Council of the Churches of Christ in the United States, March 21, 1952

The plight of the world's uprooted peoples creates for the United States, as for other liberty-loving nations, a moral as well as an economic and political problem of vast proportions. Among these peoples are those displaced by the war and its aftermath; the refugees made homeless by reason of Nazi, Fascist, and Communist tyranny and, more recently, by military hostilities in Korea, the Middle East, and elsewhere; the expellees forcibly ejected from the lands of their fathers; and the escapees who every day break through the iron curtain in search of freedom. These persons long for the day of their deliverance and for the opportunity to reestablish themselves under conditions of peace and promise. A problem of equal urgency is involved in the surplus populations that cannot now be supported by the economies of their respective countries. The pressure exercised by these surplus people is of a kind seriously to threaten the stability and well-being of the entire world.

The National Council of Churches sees in this situation an issue that can be resolved only as nations, collectively and separately, adopt policies dictated by considerations not only of justice and mercy but also of sound mutual assistance.

On the international level, we believe the United States for moral reasons, as well as in the interest of its own economic and political security, should remain steadfast in its purpose to cooperate with other nations in meeting the needs of displaced persons, refugees, and surplus populations. Through the United Nations, the United States contributed generously of its resources in the work of the International Refugee Organization. Likewise, the United States is participating in the activities of the Office of the High Commissioner for Refugees, the United Nations Korean Reconstruction Agency, and the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Our country, through the United Nations, and in other ways, assisted in providing a haven in Israel for many thousands of Jewish refugees. More recently the United States joined with 16 governments in the creation of the Provisional Intergovernmental Committee for the Movement of Migrants from Europe. The purpose of this

¹ The Church's Refugees, A New Look. National Council of the Churches of Christ in the United States, 120 East Twenty-third Street, New York, N. Y.

Committee, in part, is to continue, for a limited period, the migration activities previously carried on by the International Refugee Organization.

The National Council of Churches rejoices in the knowledge that the United States, as a member of the family of nations, is a party to these humanitarian endeavors. We believe our country, either through existing agencies or through a single over-all international body under the aegis of the United Nations, should continue to press for a solution of the many problems related to displaced persons, refugees, and surplus populations. We would vigorously oppose any action by Congress which would hinder, in any way, the operations of these international agencies or which would diminish the participation of the United States in them.

On the national level it is desirable that Congress adopt such emergency legislation as may be required fully to complete the displaced-persons program to which our country is committed. This legislation should provide for the admission to the United States of (a) those who were processed under the Displaced Persons Act but for whom visas were not available on December 31, 1951, (b) an additional number of persons of those groups for whom a clearly insufficient number of visas were provided in the original legislation, and (c) our fair share, under proper safeguards, of those who have escaped from behind the iron curtain subsequent to January 1, 1949, the cut-off date specified under the displaced-persons legislation. The additional visas here recommended should be authorized within the period ending December 31, 1952, and should be granted without regard to sectarian considerations.

If and when Congress takes action along the lines here indicated, it is our position that no further legislation of an emergency character be enacted. The time is past for dealing with these matters on a piecemeal and emergency basis. Rather, it is imperative that United States policy be now shaped in accordance with the long-range requirements of the problem.

The National Council of Churches has taken note of the fact that legislation is pending in Congress looking toward the revision of our immigration and naturalization laws. We believe it is of the utmost importance that legislation be enacted that will conform with our democratic tradition and with our heritage as a defender of human rights. The adoption by Congress of enlightened immigration and naturalization laws would add immeasurably to the moral stature of the United States and would hearten those nations with which we are associated in a common effort to establish the conditions of a just and durable peace.

We do not propose at this time to pass judgment on the specific details of the proposed legislation, many of which are technical and legal in character. We believe, however, the views hereinafter set forth are in accord with the convictions of our constituent communions.

(1) The Congress should make the quota system more flexible. Under existing legislation provision is made for the possible admission to the United States, each year, of 154,000 immigrants. For one reason or another, the quotas assigned to many countries are not now being filled. We believe serious consideration should be given to the pooling or adjusting of unused quotas in order to facilitate family reunion, to provide skills needed in our country, and to offer asylum to persecuted victims of totalitarian regimes. While any permanent solution of the problems of overpopulation can be affected only by basic economic and social adjustments within the countries concerned, it seems clear that migration opportunities, however limited, can be a helpful factor in easing the tensions occasioned by surplus peoples.

(2) The Congress should complete the process of amending immigration and naturalization laws so that, within the quota system, all discriminatory provisions based upon considerations of color, race, or sex would be removed.

(3) The Congress should establish a system of fair hearings and appeals respecting the issuance of visas and deportation proceedings. It is right and proper that Congress shall approve such precautionary measures as may be required to ensure our Nation against the infiltration of individuals hostile to the basic principles of the Constitution and institutions of the United States. We believe this end can be achieved without the imposition of such restrictive measures as would violate the American conception of justice.

We believe the people of our churches would welcome the establishment of a national commission to study, with due regard for our international objectives, the problem of population pressures throughout the world, and the possible bearing of these pressures upon our immigration policies.

Dr. VAN KIRK. This concludes my statement, Mr. Chairman, and I would appreciate it if opportunity might be given to my colleague, Dr. Fairfield, to expand somewhat the point of view reflected in the third general section of the National Council's statement as set forth in its publication, *The Church's Refugees*, which I mentioned earlier.

The CHAIRMAN. There are one or two questions that I want to ask, but maybe they will be covered by these later statements.

Dr. VAN KIRK. Then I think Dr. Fairfield might well come in at this point, if that is agreeable with you, Mr. Chairman, and he may request that certain parts of this document, *The Church's Refugees*, become part of the record.

The CHAIRMAN. We shall be pleased to hear Dr. Fairfield next.

**STATEMENT OF REV. WYNN C. FAIRFIELD, EXECUTIVE DIRECTOR,
DEPARTMENT OF CHURCH WORLD SERVICE, NATIONAL COUNCIL
OF CHURCHES OF CHRIST**

Dr. FAIRFIELD. Mr. Chairman, the reason that this presentation is divided is that in what Dr. Van Kirk has said, he is speaking on behalf of the general board of the national council. The general board has not had an opportunity to review the statement which I shall make, but it does represent a cross-section of approximately 100 denominational leaders of the Protestant and Orthodox Churches who met at the request of our department, Church World Service, on December 29 to consider the whole question of refugees and church policy and national policy with relationship to it. The only point in that discussion which was not covered in Dr. Van Kirk's statement in full is found on pages 19 and 20 of this document which has been handed to you, *The Church's Refugees, A New Look*. The reason why this is of importance is that we have attempted to outline a definition of functions as between the governmental agencies and the private agencies.

I think it is only fair to say that there are some differences of opinion among the voluntary agencies concerning this approach, but this does represent the distinction that the Department of Church World Service of the National Council would make between the functions of Government and the functions of voluntary agencies in such a program. Those of you who are familiar with the work of the Displaced Persons Commission will remember that while the legislation did not make specific provision for the participation of voluntary agencies, the actual operation of the program evolved into a very large dependence upon voluntary agencies, which was more or less haphazard and fortuitous. Therefore, we felt that it was desirable to spell out under these various heads; in each case the less indented section represents what we believe should be a proper Government function and the more indented section represents what we believe might be the complementary work of voluntary agencies. This we should like to read into the record. I don't know whether you want me to read it in full or not. It is two pages.

The CHAIRMAN. You may read it.

(There follows section III of *The Church's Refugees, A New Look*, published by the National Council of The Churches of Christ in the United States of America, and read by Dr. Wynn C. Fairfield:)

THE CHURCH'S REFUGEES—A NEW LOOK

* * * * *

 III. FUNCTIONS OF GOVERNMENT AND PRIVATE AGENCIES IN THE OPERATION OF A
REFUGEE IMMIGRATION PROGRAM

The administration of a refugee program should be on a humanitarian and nonsectarian basis operated by the Government with complementary services provided by voluntary agencies. Illustrative of what might be regarded as an appropriate relationship between the Government and voluntary agencies are the following suggestions:

Direction.—By a senior officer directly responsible to the Secretary of State with such staff assistants in the United States of America and overseas as may be necessary. (It would be helpful to have also a liaison officer, related to this office, to represent the United States of America's interest in migration to other countries.) Such assignment of direction of the refugee program would avoid many of the duplications and complications of direction by a special commission and would make the refugee program an integral part of our regular immigration program.

Representatives of voluntary agencies and other qualified persons serving on an advisory committee to the director could help in developing policies, in strengthening public support, and in securing local cooperation among their constituencies.

Numbers.—To be determined by the Congress in the light of the needs among refugees and the opportunities for them in the United States of America. We believe that approximately 250,000 refugees in the next 3 years with family connections in the United States of America, or possessing special skills, or with no opportunities elsewhere, can be absorbed readily in the American economy if there is careful selection and placement. Such a number could readily be provided with visas within the over-all total of 162,000 visas permissive under the present immigration and naturalization law, providing quota and other restrictions were removed or revised.

The voluntary agencies, with their intimate associations with refugees, can render special aid in recommending categories, locations, and individual nominations of such refugees.

Overseas selections.—Administrative responsibility would be carried by the regular consular officers, augmented as necessary by additional staff.

Voluntary agencies overseas would counsel with potential or prospective immigrants, assist in their processing, and render such religious and welfare services as would be helpful in the program in each country concerned. They also would enlist the cooperation of counterpart voluntary agencies. Their knowledge of the families and individuals involved would enable their representatives to serve as "friends of the court" in the determination by the consular service of the eligibility for United States immigration.

Transportation.—All arrangements for transportation would be made by the Government; costs of ocean and inland transportation would be provided to the individuals involved.

Voluntary agencies would render complementary religious and welfare services in camps, centers, en route, and in pier reception.

Reception at port of entry.—All arrangements would be under the direction of the Government.

Voluntary agencies would render complementary services in welcoming and counseling with the new arrivals, in facilitating contact with churches and relatives.

Placement and distribution.—Plans for placement would be developed through appropriate regional, State, county, or city offices of a Federal agency or through State or local government agencies cooperating with the Federal refugee agency director or his regional representative, on the basis of a careful analysis of permanent placement opportunities, cooperation of friends, relatives, etc.

Churches and community agencies would be responsible for assistance, through local advisory councils, on problems of community relations, agency cooperation, education, and other needed services.

Placement agreements.—Instead of assurances, the refugee agency officers would execute home job agreements, signed by the refugee and the employer, thus giving stability of placement not possible through assurances and good-faith oaths. The overseas agreement by the refugee would be a general one to accept employment offered.

Voluntary agencies, and especially the churches, can render indispensable aid at this level in securing placement opportunities and in rendering a continuing service to the newcomers.

Bonds and public-charge liability assurances should not be required. In special cases where relatives, friends, or churches desire to guarantee a specific dependent family member, a bond might be requested.

Humanitarian factors.—The Government agency will need to be especially authorized to maintain family units in its selections and in every reasonable way to maintain an emphasis upon the humanitarian factors in selections, so that families, including their dependent members and widows with children may be included. The aim of the program is not the exploitation of a labor pool but the resettlement of families where there are opportunities to become useful members of the community.

Volunteer agencies will need to stand ready to give special assistance in placing families with dependents and some family units which are not fully self-supporting.

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DR. FAIRFIELD. Mr. Chairman, this is, as we said, an illustration of the type of distinction which we feel should wisely be made in the operation of any act which is provided for.

MR. ELLIOTT. Mr. Chairman, we appreciate very much your generosity in allowing us to make such an extended and explicit statement. If there are any questions the Commission would like to direct to us, we would be very happy to give our best answers to them. All of those in our delegation do not wish to make speeches, or at least are willing to restrain themselves. However, it may easily be that some question the Commission has to put to us could be better answered by one of our colleagues rather than by those who have so far spoken.

THE CHAIRMAN. This paper from which Dr. Fairfield read seems to be devoted to the treatment of a refugee program, and I would like the record to show exactly what you mean by that. In that term "refugees" do you mean to include expellees and escapees, or just how do you define these different categories?

DR. FAIRFIELD. Mr. Chairman, what we have in mind is those who might be described as uprooted, the homeless people and the rootless people who are now in temporary situations and whom, so far as it can be seen, it is impossible to integrate into the economy. I am just back from a hurried trip into Berlin and along the eastern border of the western zone, Trieste, Athens, and Istanbul, and in each one of those places we found people who had left, mostly for political reasons, who were unable to support themselves there, who were becoming a group of dissatisfied, hopeless, and to a certain extent desperate people, in camps and living in the community at large, with no hope of movement; and it is particularly to that group that we address ourselves at the present time. It would include in certain cases expellees, neorefugees who came in after the deadline of the Displaced Persons Act, and others who, while not actually expelled, had to leave for reasons of the change of regime in their own home territory. We are not at the present time including in this what might be called the surplus population of people born in the area, but we would include the Volksdeutsche and we would include the Italians forced to return from Eritrea or Libya or seeking to return because of circumstances. Does that answer your question, Mr. Chairman? It is a rather broad definition.

THE CHAIRMAN. Then do I understand you would include amongst those whom you believe ought to be within any immigration program, what are known as refugees, what are known as expellees, what are

known as escapees, and all the different categories of those who have, as you say, been uprooted, and are not living normal lives, and in many instances are not even in the communities in which they were raised and where they are accustomed to live?

Dr. FAIRCHILD. Yes, sir.

The CHAIRMAN. And would you also include those referred to as being in what is called the pipeline, who were never finally acted upon and finally processed in the displaced-persons program?

Dr. FAIRFIELD. Those we would regard as a priority.

Mr. Chairman, it ought also to be made clear—and I think Dr. Van Kirk did underline it—that we are not ignorant of or unconcerned about the problem of the overpopulated countries, but we feel that that is a problem of such vast dimensions that has to be dealt with by economic processes as well as by migration, that it ought to be dealt with perhaps in a less emergency manner than the situation of these refugees who are deteriorating morally and spiritually, month by month, in this process.

The CHAIRMAN. It may be a chronic problem; is that your viewpoint?

Dr. FAIRFIELD. And it may have to be reached by such factors as TCA and ECA, and that type of thing to increase production in the country concerned. It may also involve migration to other countries. If we can take the lead in accepting our fair share in this country, we know that it will have a favorable effect upon countries like Canada and New Zealand and Australia, who went along as long as we had a program, but who have pretty nearly dried up as a receiving source when we stopped.

Mr. ELLIOTT. Mr. Chairman, I think our position is, further, that the migration for the overpopulation is one factor that needs to be taken into account, but only one factor in a country like Italy, for example; and that to solve the problem at its source involves (a) a much broader approach to a social-economic problem, and (b) the cooperation of the government in the country concerned and responsible for the overpopulation problem and its solution.

Commissioner PICKETT. It seems to me that the emphasis growing out of both your statements centers very largely around the refugee, taking the term "refugee" in its larger interpretation, and I am sure that none of us underrates the importance of that, nor do we underrate the time span. That is, it is likely to be a manifestation of society for as long as any of us here live. Nevertheless, this Commission has its main job of recommending a permanent immigration policy. Now, all of Dr. Fairfield's presentation is about the handling of refugees who come in. Would you apply the same principle to the incoming immigrant, whether he is a refugee or whether he comes because of population pressure or anything else?

Dr. FAIRFIELD. Mr. Chairman, in principle, the National Council feels that similar services should be rendered to all immigrants. I think that would be a fair statement, from the various statements that have been made. At the same time, the reason we emphasize the refugees at the present time is that we are pressing for a refugee program of immediate urgency, and there has been no such participation of voluntary agencies in long-range immigration processes as there has been in the emergency legislation under the DP Act. That is the reason we emphasize it at the present time.

Commissioner PICKETT. Now, I gather you would set up within the State Department a senior officer directly responsible to the Secretary of State, or something of that sort. I wasn't quite clear whether you envisage that as a temporary measure due to the peculiar nature of immigration of refugees, or whether you envisage that as the way now that we ought to do for all people coming in, the kind of machinery we ought to set up permanently?

Dr. VAN KIRK. I don't think I care to add to what Dr. Fairfield said in that respect.

Dr. FAIRFIELD. I think Mr. Elliott might comment on that point.

Mr. ELLIOTT. I think that the question that Dr. Pickett has raised is a very important one, because in our statement we have attempted to keep a balance with respect to our concern about the long-range basic immigration policy of the United States; that is our section No. 1. With regard to the immediate urgency of the refugee problem as such, we wish simply to say that this is not finished. It is a matter of great humanitarian concern; it is a matter of primary concern in relation to our total foreign relations as a country and what we are attempting to do in the leadership of the free people of the world. We also are saying that, so far as the continuance of a sectarian pattern of administration of emergency legislation or emergency measures of any kind is concerned, either within the total immigration revised plan or as special legislation, it should, in our judgment, be based upon this kind of relationship between governmental agency responsibility and the complementary services which are appropriate for at least our church agencies to provide. At the same time, some of those services, Mr. Chairman, as we learn, with regard to what total permanent good immigration is, from our short-term emergency experience with displaced persons and refugees, it may very easily be that we are opening up new avenues of service for the voluntary agencies with regard to all of the immigrants who come into the United States in the future.

The CHAIRMAN. You make suggestions in this paper that would contemplate a change in the existing administrative set-up. You suggest a senior officer in the State Department directly responsible to the Secretary of State and who would be the liaison man with the voluntary agencies. Now, my question is, Would he supplant the Commissioner of Immigration? Is that a suggestion for the transfer of the administration of the laws and the enforcement of them from the existing department where they now are to the State Department?

Mr. ELLIOTT. We mean to raise that question, Mr. Chairman.

The CHAIRMAN. What is your recommendation on it?

Mr. ELLIOTT. The one that is suggested.

The CHAIRMAN. The only one you make doesn't complete the picture, because there are all these other administrative problems that exist that are now elsewhere; and I don't, like Dr. Pickett, know whether you mean to have a supplementary set-up or whether this is in substitution for the existing method of administration through an Immigration Commissioner and through the Department of Justice.

And that raises a number of other related problems. You speak of voluntary agencies. Well, what voluntary agencies? There are religious agencies, there are welfare agencies, there are other agencies that wouldn't fall in either one of those categories but are interested maybe in administrative and other problems. Are they voluntary agencies? How are they to be defined and how are they to be limited?

I just wondered whether that had been thought through. I think Dr. Pickett has the same question. Just what do you visualize would be the result of the suggestion you have made? Are you recommending the transfer of all the administration to a senior officer in the State Department, or what do you think?

Mr. ELLIOTT. At that point, I think that historically the responsibility for immigration has been moved from one department of Government to another, and it would not scare us.

The CHAIRMAN. It doesn't scare us either. I am just interested in finding out what you are recommending.

Mr. ELLIOTT. I think the fundamental to what we are recommending, Mr. Chairman, is that we believe that our total immigration policy—but particularly our policy with reference to the oppressed politically and economically at the present time—should become primarily an affirmative and positive expression of good will and welcome on the part of the American Government, and that therefore certain fundamental changes need to be effected in the location of the responsibility for the total immigration program if we are to supplant the present multiplicity of restrictive features and agencies related to the whole immigration program. So that our suggestion is that within the State Department we might very well center the responsibility for the expression of such a positive, affirmative immigration program which would relate to such a program those functions having to do with security and health and other screenings, but which would not permit us to be in the present situation where the total impact of our total immigration structure or structures impresses the people who want to come to this country so negatively, as is the case at the present time.

Now, with regard to the specific recommendation of whether we locate that in one department or another, that would be open for consideration on our part. I think the reason why we have suggested locating it within the State Department, particularly with reference to those sections of immigration that have to do with the political refugees, is apparent when one thinks of one of the functions of such an immigration program in terms of paralleling and strengthening and undergirding for the future the foreign policy of the United States and relating it to the regular and positive functions of our State Department.

The CHAIRMAN. We had statements made to us yesterday here by the Acting Commissioner of Immigration as to the number of persons who go in and out of the country every year. It runs into many millions because they come in at all borders and they come in in great volume and go out in great volume. There are a whole lot of problems connected with that, so much so that the immigration department is a large department with employees in every part of the United States. They have all kinds of problems. Now, do you visualize that all of their problems should be handed to the State Department, or are you just suggesting that so long as we have these refugee and expellee and other categories that have to do with a humanitarian effort to solve those problems elsewhere in the world, that it be in the State Department?

Mr. ELLIOTT. Yes; it is rather the latter.

The CHAIRMAN. Is that what you had in mind, that so long as there is a special program for a special humanitarian purpose, which has an impact on our foreign policy, that part of it in some way—

Mr. ELLIOTT (interposing). It is the only point really that we are stressing at the moment.

The CHAIRMAN. And you are not suggesting that the ordinary, routine handling of immigration problems, both with respect to law—

Mr. ELLIOTT (interposing). Thank you for helping clarify it.

The CHAIRMAN. I wanted to find out, too, from Dr. Van Kirk, about that part of his statement that relates to 250,000 per annum; I wanted to have the record show whether that is in addition.

Dr. VAN KIRK. That is over a 3-year period; 250,000.

The CHAIRMAN. In the Celler bill it is 300,000 for a 3-year period, and I think there have been various figures suggested in that neighborhood, all within a 3-year period. Is that intended to be an amount in excess of the provision in existing law, or is that intended to be the total amount for the next 3-year period?

Dr. VAN KIRK. We would say that this would be a figure in addition to such numbers as might be entering the country under existing legislation.

The CHAIRMAN. If you don't label it an emergency, anyhow it is a number, 250,000 or thereabouts, to be devoted to a humanitarian program of some kind?

Dr. VAN KIRK. That is right.

The CHAIRMAN. And have no relationship to the regular quota immigration?

Dr. VAN KIRK. We would much rather that these human problems and related issues should be dealt with in permanent legislation. We are getting a bit weary of this emergency kind of psychology, and we look forward to the day when the American people will have an immigration and naturalization statute that will provide for the admission of persons in these categories that must now be dealt with, as we view it, under special and emergency legislation.

Mr. ROSENFELD. In other words, if it were possible to attain these objectives that you speak of by permanent legislation—

Dr. VAN KIRK (interposing). That would be what we desire.

The CHAIRMAN. As we have traveled around the country, suggestions have been made to us that the problem might be reached through permanent legislation with a flexible or a fluid authority, either to Congress or a congressional or administrative board or commission of some kind, within a ceiling always, to deal with these situations as they happen to arise, and where it was believed either by the Congress or by an administrative board that they should be dealt with quickly and without regard to the regular admissions. There have been suggestions along that line in various cities.

STATEMENT OF REV. EARL F. ADAMS, DIRECTOR, WASHINGTON OFFICE, NATIONAL COUNCIL OF CHURCHES OF CHRIST

Dr. ADAMS. May I say, Mr. Chairman, that the official statement of the board of the National Council of Churches, which was not read but put in the record, does spell that out as one of our convictions of the National Council of Churches, namely, that the quota system should be made more flexible.

The CHAIRMAN. But in the same breath you, in effect, advocate the abolition of the quota system as such and then also talk about making it more flexible.

Dr. VAN KIRK (interposing). Yes; but we don't advocate the abolition of the quota system, do we?

The CHAIRMAN. But that is what it is now based on, and if you eliminate the basis, would you not have to devise some other kind of system?

Dr. VAN KIRK. Well, to the degree that you make the quota system more flexible, you have in practice altered the present pattern of operations, but you still have a quota by contrast with unlimited numbers. That is what I mean.

Mr. ROSENFELD. Dr. Van Kirk, aren't we using the words in two different ways? If by "quota" you mean a ceiling; in other words, we are distinguishing between a ceiling or a quota on the one side and the national origins system as a means of distributing—

Dr. VAN KIRK (interposing). I am talking about a ceiling.

Mr. ROSENFELD. In other words, is the council now saying that you want a ceiling of some kind so that you won't have unrestricted immigration, but within that ceiling are you suggesting the abolition of the national origins system?

Dr. VAN KIRK. I am looking for that particular reference in our statement that we read this morning.

Dr. FAIRFIELD. Mr. Chairman, I think it is fair to say that we are looking for the abolition of any national-origins quota based upon race; that if for political reasons there is a distinction to be made between countries, that is in a little different category, but it is the racial discrimination as applies to Asiatics. We had the classic case of the Kalmuks, who were finally ruled by the Attorney General as being Russian and European, having lived in Russia longer than the Pilgrim fathers and their descendants have lived in the United States. We have that case where it was the present national origin that was recognized rather than the racial origin. But in the present legislation, the Asiatic racial origin is the thing that is discriminated against, and we feel that the discrimination against races is a matter of morality, whereas the discrimination against countries and nations is a matter of political adjustment.

Mr. ROSENFELD. Dr. Van Kirk's statement says, and I quote:

However, it is the view of the National Council of Churches that such restrictions as to numbers as may be required shall be achieved without discriminations predicated upon national origin or racial heritage.

Now, the question that I am calling your attention to, either Dr. Van Kirk or Dr. Fairfield, is this: Is the Commission to understand that statement to mean that within any quota ceiling, such as Dr. Van Kirk has mentioned, you would propose the abolition of selection within that ceiling based either on race or national origin?

Dr. VAN KIRK. We have stated certain categories of priorities under a ceiling. That is the only point which we would press as far as the admission of the peoples is concerned. That is said rather directly in the statement to which you have just referred.

Dr. ADAMS. Mr. Chairman, may I call attention to another quote from the official action of our board which I think will help to clarify this discussion. Our statement was:

Within the quota system, all discriminatory provisions based upon considerations of color, race, or sex would be removed.

I would like to underscore the word "discriminatory."

MR. ELLIOTT. I think that the heavily underscored word with us is the type of flexibility that will respond to the kind of changing situation in the world which we have so far experienced in relation to the people who most urgently need to come to this country. And personally I think that your suggestion of the kind of administrative board that would—within certain numerical limits and within certain definitions of principle and policy—administer such a program with a view to flexibility, is perhaps the most practical way of dealing with the kind of fluid and shifting sort of problem that we are dealing with.

THE CHAIRMAN. I want to make it clear it isn't my suggestion; it is suggestions that have been made to the Commission, in various places where we have had hearings, that there be some board. Nobody is fixed on the idea as to whether it should be, for instance, a congressional committee always working or an administrative board, or maybe both working together, year after year. And of course the Commission hasn't passed on any of these suggestions yet. So we are not making suggestions; we are listening to them.

DR. VAN KIRK. Mr. Chairman, I want to underscore what has been said earlier. We do not pose as experts on the question of immigration and naturalization. But we do feel very strongly that the law placed upon the statute books in the last session of Congress is an affront to the conscience of the American people. We are going to work for the amendment of that legislation, and if we can't get it in the next Congress we will work for it until we do get it. And it is for the purpose of conveying to you this aroused sense of conscience on the part of the Protestant and Orthodox churches of the country, primarily for that reason, that we are here in your presence this morning.

THE CHAIRMAN. I thank you for coming here, and of course what you have said is of great interest and importance to the Commission.

I understood you to say in your opening statement, Mr. Elliott, that the organizations you represent here themselves represent some 31 million people throughout the United States?

DR. VAN KIRK. That is the total membership of the churches of the communions related to the National Council of Churches, but none of us wants to convey the impression we speak for these 31 million people.

THE CHAIRMAN. I understand that. You have been very careful to say what has been approved and what has not been approved.

STATEMENT OF REV. JOSEPH M. DAWSON, REPRESENTING THE BAPTIST WORLD ALLIANCE

DR. DAWSON. Mr. Chairman, in connection with the statement just made, not as a separate presentation but in close coordination with it, in representing the various Baptist bodies here today, I may say that most of the major Baptist bodies are constituent members of the National Council of Churches. But there has been some request made of me since I came into the room to say a word about the attitude of Southern Baptists, with a membership of more than 7½ million members not included in the National Council of Churches.

I would like to say that my office as executive director of the Baptist joint committee on public affairs permits me to know the attitudes of the various Baptist groups in this country. We have some 15 or 20 of these groups, aggregating a total membership of 17 million mem-

bers, but we are rated as separate denominations, and the Southern Baptist Convention is a separate denomination under that category. But the Baptist World Alliance, with headquarters here in Washington, representing the Baptists throughout the world, has been devoting its attention very earnestly to assisting DP groups. It has helped more than 5,000 units, more than 13,000 persons, and in that program the Southern Baptists have been very active. I would say—and I think these gentlemen will corroborate it this morning—that they are in general accord with all the representations that have been made here today by Dr. Van Kirk, Dr. Fairfield, Mr. Elliott, and others. There need not be any thought that this large group is in anywise out of step with these representations that have been made this morning.

I do have a brief memorandum here from the Baptist World Alliance, which includes this group, as to their attitudes, which I think are in general agreement with what you have said but which may be of interest. If I may, I will read this brief statement.

The CHAIRMAN. We shall be pleased to hear it.

Dr. DAWSON. 1. Emergency legislation: There were only 54,744 visas allocated under the so-called Volksdeutsche program in January 1951 (the amended Displaced Persons Act) and there were 500,000 who desired to come at that time. Therefore, the visas ran out in April 1952 and many were caught in the pipeline of processing since their processing had not reached the point of completion to allow them to obtain visas.

There were also regular displaced persons who were caught in the pipeline before the expiration of the Displaced Persons Act on December 31, 1951.

Of our cases between 1,500 and 2,000 were caught in the so-called pipeline and hence the emergent need for legislation to cover.

I think the feeling of the alliance and all those associated with it is that there ought to be some special legislation that would relieve this acute situation presented here.

2. Long-range program: Europe is filled with refugees and they continue to swarm into Western Europe daily by the thousands from behind the iron curtain. Their only hope is the United States and the free world. The present law (McCarran Act) is bound by the quota system and prevents immigration of the refugees who are fleeing the iron curtain. The quota system under the law is used up in many nationalities and in fact is mortgaged for years to come by most of the nationality groups.

We need a new law which would make possible the coming of 100,000 a year and the United States affords the only opportunity.

The CHAIRMAN. Thank you very much.

Commissioner GULLIXSON. Inasmuch as the presentation at the very outset and at its conclusion has been concerned primarily with the European problem, may we ask whether it is a fair inference from your declarations that in long-range legislation disparity and discrimination against Asiatics is also a primary concern, so that Europe and Asia are placed on an equal scale in permanent legislation?

Dr. VAN KIRK. I would say that to do that would be consistent with the declaration of the National Council of Churches.

Commissioner GULLIXSON. May I say, Mr. Chairman, that at our hearings in Chicago and St. Louis and Los Angeles, distinguished educators spoke very seriously about the reactions against Public Law 414 in Asia today, as of September 1952.

Dr. VAN KIRK. I would expect that to be true.

Commissioner GULLIXSON. In that connection, I am interested in learning what, if anything, the great missionary agencies of the churches represented here have found in October 1952 in public opinion in relation to America.

Dr. VAN KIRK. I would like to remind the Commission that perhaps for the past quarter of a century the churches of this country—I speak now of those related to the then Federal Council of Churches—were in the forefront of organizations requesting the elimination of all racial discriminations in our immigration and naturalization laws, and the Federal Council of Churches appeared before appropriate committees of Congress year after year to call for the repeal of the so-called Exclusion Act, and we rejoice that in some respects at least that discriminatory legislation has been removed from our statute books. But we deplore the placing of still further restrictions upon these Asiatics. And I would like to have you feel that the statement which we have made this morning is echoed by the missionary organizations of the churches related to the national council, since they comprise one of the divisions of the national council, and what is being said here this morning is being said also on behalf of these great missionary organizations who are very keenly aware of the discriminations yet remaining and desire their early removal.

**STATEMENT OF REV. FRED E. REISSIG, EXECUTIVE SECRETARY,
WASHINGTON FEDERATION OF CHURCHES**

Dr. REISSIG. Mr. Chairman, I would like to say just two things very briefly. I represent perhaps the grass roots, being executive secretary of a local council of churches and in very close contact with local councils of churches throughout the country. I want to say, first of all, that at the grass roots there is very great concern on the part of local councils of churches about this Walter-McCarran Act. I want to make the statement that it is not just at the top level.

The CHAIRMAN. When you say "concern," just what do you mean by that?

Dr. REISSIG. They are concerned that it be changed with its discriminatory factors.

The second thing is that I happen to be on the faculty of the international center, and our Government is spending millions and millions of dollars in bringing people from all parts of the world to the United States. They come to Washington first for their orientation courses, and I have an opportunity week by week to meet this group. It seems to me—and I am particularly interested in this act because of that—that the discriminatory factors in this act, which I think we agree are there, seem to militate against this tremendous program which we are undertaking here in America, bringing thousands and thousands of people from all over the world. Just the other week there were 17 nationalities in this group which we addressed. So we feel very keenly that we are trying to create good will. That is what the Government is trying to do, and we who give our time freely week by week to this orientation program feel that we don't want one phase of our American life to militate against the other program.

Mr. ELLIOTT. Mr. Chairman, we don't want to encroach either upon the time of the Commission or our sister or brother agencies that are

waiting in line, but we do want to be clear. Are there any points on which you have further questions?

The CHAIRMAN. I wanted to find out whether any other member of the Commission had any question.

Commissioner PICKETT. In view of the proposals you have made, I would remind you, as the chairman has mentioned on occasion during the course of the hearings, that the Congress passed this legislation, the President vetoed it, and the Congress passed it over his veto, and that was theoretically the expression of the people who represent the people of this country. Have you any observations to make on that, as a practical matter.

Dr. FAIRFIELD. Mr. Chairman, may I pick up Dr. Pickett's words to say that that is the reason that we are stressing the need for emergency legislation to deal with this particular problem of refugees. We are convinced, as Dr. Van Kirk said so forcefully, that the whole immigration policy should be changed. We recognize the difficulties in doing that and the time involved. We know that it took 3 years to get the present Walter-McCarran Act actually passed, and I happen to know the State Department was working on certain aspects of it for 10 years before that. But we feel it is the need of emergency legislation and that the other, as Monsignor O'Grady will remember I stressed at the Catholic Charities Conference in Cleveland, requires both education and frankly a change of heart on the part of the American people. We believe that that is going to take time, and that is the reason why at the present time we are not proposing a wholesale revision of the act but stressing the thing that must be done now for the boys and the girls and the other people who are frustrated and creating a growing pool of unrest and danger on the European line.

The CHAIRMAN. But might it not take just as long to obtain what you term "emergency legislation" as to effect changes you have indicated you desire in the permanent legislation?

Dr. FAIRFIELD. That is perfectly true. At the same time, there were indications in congressional committees last spring that if the legislation had dealt only with emergency situations on a limited scale, the action on that point might have been favorable. It didn't get through, it is quite true.

Dr. ADAMS. Mr. Chairman, I am glad Dr. Fairfield has spoken as he has, and it is quite proper that he should emphasize this matter of emergency problems. However, representing the total program of the national council as over against his major concern in the emergency services, I would like to reiterate our genuine concern for the long-range program of the total immigration policy of the Nation and to express our gratitude that you as a commission are at work. While we do not pose as experts, we believe there should be the restudy which you are making.

Commissioner O'GRADY. I have been most interested in the testimony that your group has presented this morning, and I wish to express my profound admiration of the splendid work you have been doing in this field. It is very helpful to hear your point of view expressed.

Mr. ROSENFELD. Mr. Chairman, I wonder whether Dr. Henderson can tell us if the Presbyterian Church of the United States has issued any resolutions or statements relative to this which he might be in a position to give to the Commission?

STATEMENT OF REV. HAROLD H. HENDERSON, EXECUTIVE SECRETARY, COMMITTEE ON DISPLACED PERSONS, PRESBYTERIAN CHURCH

Dr. HENDERSON. The Presbyterian Church has concurred in the resolutions that you heard this morning; also, in answer to another suggestion, administratively they have changed over from their rather narrow DP resettlement program to a program that looks forward to caring for all immigrants coming into all communities just so far as the local communities can do that. That is, there is a broadening of view in the program of the church itself, and they are concurring in the national council's program. Their views have been expressed through the national council on this whole thing.

Since you called upon me, I would like to underscore one thing that is very, very critical at this time, and it might be easier to accomplish than some of the other things we have been proposing. One of the most critical things that is hurting and irritating and frustrating the refugees who would like to come is the mortgaging system that went through that cuts hope for sometimes 100 or 150 years to some people who should be coming in, and a cancellation of mortgages in an emergency action would do a great deal in lifting the spirits of some of the refugees and in raising the tone and also in helping us out.

As for the matter of flexibility, it seems to me it might go into the record that one of the first things, a very small thing and a very immediate relief, might be in cancellation of mortgages, which I counted up amounts to almost 200,000 visas at the moment, while during the last 20 years, out of a possible ceiling of 150,000 a year, we have only taken in about an average of 50,000 quota immigrants. And while we are only taking one-third of our quota, we still mortgaged ahead 200,000 on the countries that are coming from behind the iron curtain and are the refugees in need. But that is just a small thing that I throw now into the thinking.

Mr. ROSENFELD. Mr. Chairman, if the time permits, in connection with the question and observation of Dr. Gullixson, it is possible Dr. Bushong might enlighten the Commission because his group has been dealing with a group of DP's that are of a different cultural background, and that might be helpful to the Commission's thinking.

Mr. ELLIOTT. Mr. Chairman, we have a statement prepared by the Brethren Service Commission. I am sure it is very brief and to the point. I suggest, if you do have time, that Dr. Bushong be asked to testify.

STATEMENT OF REV. BENJAMIN BUSHONG, DIRECTOR, DEPARTMENT OF MUTUAL AID, BRETHREN SERVICE COMMISSION OF THE CHURCH OF THE BRETHREN

Dr. BUSHONG. Mr. Chairman and members of the Commission, we feel very humble about this whole program and do not pretend to be experts. We have prepared a statement giving some of our views. With your permission I shall read it.

The CHAIRMAN. We shall be pleased to hear it.

Dr. BUSHONG. This statement is being submitted to the committee to share the views or beliefs of the members of the Church of the Brethren, who, in the early days of our Nation, were immigrants,

coming to Germantown, Pa., in two migration movements in 1719 and 1729.

The Brethren came in search of a place to worship, with liberty of conscience, free from the domination of a state church or government as developed in Europe during that period.

It was a time of heart-searching for these early migrants, and, in many respects, similar conditions prevail today.

We believe that discrimination because of the racial, religious, or social background of those persons applying for admission to be contrary to our American way of life.

We believe that the criminal, imbecile, indolent, and so forth, should not be admitted to our country by design of any persons or groups, governmental or nongovernmental.

We must give more attention to the reception and education of new arrivals, thereby assisting them in becoming assimilated into our American way of life.

We believe that special consideration should be given relatives of persons recently admitted under the Displaced Persons Act; how their admission and resettlement may be facilitated, thereby reuniting families and relatives.

We believe that there is only one sound basis to consider in this problem, namely, our neighbor in need, knowing that the various devices and plans of special interest groups are not a satisfactory solution.

We believe that the Government should take the initiative in this program, attempting to find a just solution to this problem; we shall give assistance in ministry to the needs of the new immigrants.

We are grateful to all agencies, international, governmental, non-governmental, for the cooperation and assistance given during the recent program under the Displaced Persons Act.

During this program our agency was able to assist approximately 4,000 persons in their arrival and resettlement, advancing funds on a loan basis where needed, and arranging the many details involved in the actual housing and job-finding problems.

The Brethren have experienced a deepening of spiritual life in many communities by their cooperation in the resettlement program, and will continue their share of responsibility for this program in cooperation with interested agencies or persons, contributing of their resources in personnel, service, and money as may be required in the building of a better world.

The CHAIRMAN. Thank you very much, Dr. Bushong.

Does Mr. Obradovich wish to say something to us?

STATEMENT OF MILAN OBRADOVICH, DISPLACED PERSONS COMMITTEE, SERBIAN-AMERICAN ORTHODOX CHURCH

Mr. OBRADOVICH. Mr. Chairman, I will be very brief. First, we support the Serbian Church and the Serbian national defense and the Serbians in America, or, if you want to, call it Yugoslav. We support what the Church World Service is speaking about. Secondly, I would like to stress that at no place do I see that Yugoslavia is behind the iron curtain. I want this Commission to know that Yugoslavia is behind the iron curtain as much as any country in the world is behind the iron curtain.

Third, we have brought in 10,500 human beings inside of 2½ years. Out of those 10,500 human beings, there isn't one single person on the relief roll of any organization today in the United States of America. In these 10,500, I want you to know, there are many handicapped cases, because it would be impossible to bring that many people and not have some handicapped. Not one of those is a burden except to our own organization and to our own care. The Serbs from Yugoslavia would appreciate very much all the consideration that this Commission will give to the Church World Service since we are part of the Church World Service ourselves.

Thank you.

The CHAIRMAN. Thank you, Mr. Obradovich.

**STATEMENT OF THE VERY REVEREND FRANCIS B. SAYRE, JR.,
DEAN, WASHINGTON CATHEDRAL**

Reverend SAYRE. Mr. Chairman, I have in my hands the statements officially given and testimony by officials of our Episcopal Church before various congressional hearings on immigration bills. I think there is no need for me to read any of these statements because in summary and in substance they completely go along with the statement given here by Dr. Van Kirk and the testimony given you this morning by the National Council of Churches. I don't think our church would differ in any way from what has been said, and I need not take up any special time for the Episcopal Church.

The CHAIRMAN. Thank you very much.

Commissioner O'GRADY. We have had presented to us by local federations of churches some testimony about the favorable experience on the local level in the resettlement of displaced persons and in regard to additional opportunities that might be available for such people. Is there any comment you might wish to make on behalf of Church World Service with respect to that?

Mr. ELLIOTT. There are two points, Mr. Chairman. The first is that we are afraid to do too much to stir that potential until such time as we are sure that we can provide people to fill the needs that so easily are registered with us. The second point is that our judgment, based upon the testimony of our local people like Dr. Reissig, our denominational people like Dean Sayre and others, convinces us that the potential from the standpoint of actual community resettlement in this country is amply covered in terms of the numbers about which we are talking. But I think the other agencies would agree with us that it is exceedingly embarrassing if we let it be known that we might possibly sometime be able to get housemaids or workers, farmers, and so on, and then find that we are unable to explain why they can't come.

The CHAIRMAN. Thank you very much, Mr. Elliott.

Mr. ELLIOTT. You have been most generous to us, and thank you.

The CHAIRMAN. Is Dr. Van Deusen here?

STATEMENT OF REV. ROBERT E. VAN DEUSEN, REPRESENTING THE NATIONAL LUTHERAN COUNCIL

DR. VAN DEUSEN. I am Dr. Robert E. Van Deusen, Washington Secretary of the National Lutheran Council. With me is Michael F. Markel, a Washington attorney who is the legal counsel for Lutheran Resettlement Service. After I give my statement, I would like to give Mr. Markel an opportunity to make remarks along the same line, if that is permissible.

The CHAIRMAN. We will be glad to hear you.

DR. VAN DEUSEN. I think a few words of explanation might be in order before I read my statement. The National Lutheran Council, which I represent, is a cooperative church agency serving eight different Lutheran bodies, with a total membership of about 4 million. Of those eight bodies, three are members of the National Council of Churches; the other five bodies are not members of the National Council of Churches. That explains why we give our counsel separately. It also explains to some extent why our resettlement program for displaced persons was carried on separately from that of Church World Service. Lutheran Resettlement Service is a branch of the Lutheran National Council set up specifically for the purpose of resettling displaced persons. It is a temporary agency, although there is under consideration at this time in the National Lutheran Council of the possibility of setting up as a successor to that a permanent immigration department. That has not yet been decided but is under consideration.

With your permission, I will now read my statement.

The CHAIRMAN. You may do so.

DR. VAN DEUSEN. The major testimony on behalf of the National Lutheran Council was given at the Commission's hearings in New York City on September 30, by Dr. Paul C. Empie, executive director of the council, and Miss Cordelia Cox, resettlement executive of the Lutheran Resettlement Service. Dr. Empie spoke of the need for emergency legislation for the entry of refugees into the United States, under a program financed by the Government, with voluntary agencies providing supplementary services.

Miss Cox discussed the need for liberalizing our permanent immigration policies. Drawing on her experience in the resettlement of displaced persons, she voiced the conviction that carefully chosen immigrants contribute to the cultural and economic wealth of our country; that there is need for many more immigrants than are being admitted under the present quota system; that we have a responsibility as a free nation to provide for our fair share of the homeless people of the world; and that our immigration laws should give reasonable consideration to each applicant for admission and protect those who are admitted from unwarranted deportation. She proposed eight principles which ought to underlie United States immigration policy and practice.

I wish at this time to reaffirm the positions take by Dr. Empie and Miss Cox, and to add the following observations:

1. The Judiciary Committees of the two Houses of Congress performed a valuable service in codifying the immigration and nationality laws. However, the Immigration and Nationality Act of 1952 went further than any previous law in listing grounds for exclusion, deportation, and denaturalization. This area of difference between the previous law and the new law should be subjected to careful scrutiny to determine whether the additional restrictions go beyond the requirements of national security.

2. To the extent to which the new law sets unfair or unduly severe standards, the law should be amended. Remedial legislation should be introduced at the first session of the Eighty-third Congress, so that any obvious injustice may be challenged before the operation of the new law becomes firmly entrenched. If administration of the law reveals still other inequities, further amendments should be introduced at later sessions of Congress.

3. In revising the law, the provisions for appeal from negative decisions should be strengthened, and such provisions should be added where they are lacking, as a safeguard against arbitrary administration of the law. In cases dealing with naturalization, denaturalization, or deportation, it should be specified that decisions are subject to judicial review under the Administrative Procedures Act. To make this effective, definite criteria of reviewable fact should be substituted wherever possible for the subjective opinion of an administrative officer as the basis for the original decision.

4. In cases related to admission or exclusion, a visa review board should be set up similar in function to the recently constituted Passport Appeals Board. While applicants for admission have no legal rights on which an appeal could be based, there should be machinery by which interested American citizens or organizations could obtain an impartial review of consular decisions which are believed to be arbitrary and unwarranted.

5. The Immigration and Nationality Act made the quota system a permanent feature of our immigration law. The presuppositions of this system and its adequacy in view of changing world conditions are open to serious question. The proportion which particular ethnic groups bore to our total population in 1920 is not a reasonable criterion for immigration in 1953. Classification of applicants for admission by place of birth rather than by nationality has given rise to obvious inconsistencies in the administration of the law.

6. The entire quota system should be reexamined and evaluated in the light of today's needs. Consideration should be given to enlarging our total number of annual admissions based on our ability to absorb immigrants, and revising our standards for selection of immigrants. Such a study should be characterized by imaginative exploration of possible patterns, and by the balancing of such factors as our need of people with special skills, the need of oppressed people for haven, and the preservation of family units.

7. Inasmuch as revision of the Immigration and Nationality Act cannot realistically be expected during the first session of the Eighty-third Congress, consideration should be given to emergency legislation to meet the most urgent phases of the refugee problem in Europe. This should include provision for those displaced persons whose proc-

essing had not been completed at the end of the program, and admission of substantial numbers of ethnic, religious, and political refugees. Immigration of refugees into the United States should be integrated with international programs of resettlement and should represent a reasonable proportion of world responsibility for the refugee problem.

That completes my prepared statement, and we would be glad to discuss or answer questions either before or after Mr. Markel has an opportunity to present his oral statement.

The CHAIRMAN. Suppose we hear Mr. Markel. Then we can ask questions of both of you together.

STATEMENT OF MICHAEL F. MARKEL, LEGAL COUNSEL, RESETTLEMENT SERVICE, NATIONAL LUTHERAN COUNCIL

Mr. MARKEL. I am Michael F. Markel, an attorney, Munsey Building, Washington, D. C., and legal counsel for the Resettlement Service of the National Lutheran Council.

Well, gentlemen, I feel a little presumptuous almost to appear before this Board to voice my personal views on some of the very fundamental and important social and political questions inherent in the subject matter before this Board, but I have been in the front-line trenches in connection with this resettlement program and I thought I might make a couple of observations from that standpoint.

As far as the over-all picture is concerned, I have two interests in this subject matter. One, of course, is the fact that I have been legal adviser to the Resettlement Service of the National Lutheran Council; also, the Lutheran World Federation, an international organization, has called on me from time to time with respect to legal matters requiring explanation here in the United States.

My other interest stems from the fact that I myself am a displaced person. I had the good fortune of finding myself displaced in the United States as a consequence of World War I, and it is the greatest blessing that has come to me. I am a naturalized citizen, so naturally I think that I have some basis for expressing specific views with respect to the status and treatment of naturalized citizens.

From the over-all standpoint, anyone familiar with the problem existing in Europe today cannot possibly voice any objection to the granting of further relief by our participation as the leading nation, as the wealthiest nation, assuming our fair share in alleviating that condition, not only in Europe but also in Asia. I was impressed by Reverend Gullixson's question on that phase of it, because I think the problem of the people in the Orient is too frequently overlooked, and many of them are in far worse positions than are some of the European displaced persons.

I will, however, on the general subject merely underscore and emphasize what Miss Cordelia Cox has said before this Board. We have worked together on it intimately, and I subscribe to every statement she made and feel that she has put that so much more adequately than I could.

On the basis of those general observations, I would like to proceed and make some observations on the McCarran Act. I wish this meeting had either been 6 months earlier or a month later, because this is a rather delicate time to be using that term. Nevertheless, I have some views about that because I did happen to interest myself rather

actively in connection with the amendment of the Displaced Persons Act, the administration of the Internal Security Act of 1950, and the final passing of the McCarran Act. There were those of us who were actively seeking to delay passing of the McCarran Act, if need be, in order to correct what we considered some real injustices inherent in that act, including of course the most controversial issue thereof, the present quota system. We talked to a number of Members of Congress about that. In that connection, I would like to make one point that I don't believe has been made, and I think this Board should bear that in mind, and that is this. It seems that so many years of hard work had gone into the codification of the McCarran Act that many Members of Congress just felt that something had to be passed. Now, we argued at that time that codification, of course, was highly desirable, but while we were at it there should be undertaken at that same time a fundamental revision of the immigration policy so as to bring that up to date rather than to merely perpetuate existing policy of 30, 40, or 50 years ago. Certainly no one would have proposed a like treatment of most any other social legislation that is being enacted today. Social legislation of this character should be brought abreast with the social and political status in which we find ourselves today.

From my standpoint, that was basically what we tried to argue when we sought these last-minute revisions of the McCarran Act. Members of Congress were sympathetic with some of our criticisms, but something had to be passed.

Now, I agree that we must be realistic about these things. After all, this act was passed over the President's veto, and the majority of the party in power voted for the act.

The CHAIRMAN. Do you think Congress did that just because it thought something had to be passed after the President vetoed it?

Mr. MARKEL. Well, not so much of that, but it is my considered judgment that there are many Members in Congress today—and this is the point I wanted to make—and were then, who fully expected proposed amendments to come through at the earliest opportunity to correct some of these things that we at that time were criticizing.

The CHAIRMAN. Then why didn't they correct them when they had the bill in front of them?

Mr. MARKEL. That is what we wanted to know, and that is what we kept shouting till the very last day. But they didn't do it.

Commissioner O'GRADY. What amendments did you suggest?

Mr. MARKEL. I can't recall the details. For instance, we suggested revision of the quota system that was set up.

The CHAIRMAN. Are you opposed to the quota system?

Mr. MARKEL. Yes, I am.

The CHAIRMAN. What would you substitute for it?

Mr. MARKEL. Well, I would substitute for that a ceiling.

The CHAIRMAN. Suppose you had a ceiling; how would you distribute the number within the ceiling?

Mr. MARKEL. I would distribute the ceiling on the basis of current social needs and political requirements.

The CHAIRMAN. Who is going to determine that?

Mr. MARKEL. Well, now you are getting me into the field of politics.

The CHAIRMAN. You are a lawyer. If we have a law, how are you going to do it?

Mr. MARKEL. I consider the suggestion heard here this morning, the setting up of a board, an excellent one.

The CHAIRMAN. To distribute the number within the ceiling?

Mr. MARKEL. Within the ceiling. Personally I am only saying there should be a ceiling because I think that in absence of a ceiling there is just no opportunity for getting a law passed.

The CHAIRMAN. Where are you going to distribute it?

Mr. MARKEL. That I will have to leave to the experts in the field.

The CHAIRMAN. You are not an expert in the field?

Mr. MARKEL. No; I am not an expert in that field. I have my personal views on the basis of these experiences and being a displaced person myself, a naturalized citizen, and I think it ought to be administered on the basis of need rather than national or racial background.

The CHAIRMAN. You mean need here and need abroad?

Mr. MARKEL. Yes; they should be coordinated.

Dr. VAN DEUSEN. I think that in implementing that analysis of need you would almost have to come to national allocations of numbers by countries, but they wouldn't necessarily need to be the same year to year, and they wouldn't need to be on the basis of the 1920 census.

The CHAIRMAN. And they would not be based on race, color, or creed?

Dr. VAN DEUSEN. Yes, and could be more flexible.

Mr. MARKEL. I had intended to go into one more specific thing, if I might continue. That was on the act itself. The point I want to underscore is that many Members in Congress who voted for the McCarran Act over the President's veto will be prepared to vote favorable on these suggestions that will be made to this Board, and that should be borne in mind.

Commissioner HARRISON. Dr. Van Deusen, would your idea of admission of substantial numbers be somewhat in line with the testimony presented before you appeared, 250,000?

Dr. VAN DEUSEN. I believe so. No action on it has been taken by our group, but I think it would go along with the preponderant estimate of need.

The CHAIRMAN. But that 250,000, as I understood it, was just for emergency. It was in addition to the regular quota. There are some 154,000 now.

Dr. VAN DEUSEN. If it went through, it would mean a substantial rethinking of our own responsibility in cooperating with that. But we would be willing to go along with whatever the Congress was willing to do, as voluntary agencies.

Mr. MARKEL. The other point I wanted to address myself to was this matter of what I consider constituting naturalized citizens as second-class citizens. Now, I have stated to the Board that I am in that category, so perhaps my judgment in that respect is biased for personal reasons, and I want you to discount it with that in mind if you feel so. But I think that that is one of the real inhumane things about the McCarran Act. There should come a time when a person feels that he is an integral and inseparable part of a society. The most cruel thing is to have a sword hanging over his head for a lifetime. In my case, for example, under this act I could be deported.

The CHAIRMAN. What for?

Mr. MARKEL. Well, driving on the way down, if I had given vent to my inner impulses, I might well have committed a felony, and I think the punishment of deporting me, under my circumstances, which would have meant literally to be sent to Siberia, would have been too severe.

The CHAIRMAN. No matter what you did?

Mr. MARKEL. No matter what I did.

Now, it is easy enough to say, "Well, if these people come over here, they ought to observe our law." It must be remembered that they are human beings like the rest of us, and I like to put it this way. The considerations of common fundamental humanity and decency with respect to human beings, whether they be naturalized or not, are the same. There is a common ground there, and I have suggested this thinking. If someone were to suggest a revision of our penal system so that we would set up some sort of American Siberia, as it were, for our felons—after they were released from the penal institution they would be sent off somewhere where they would be free to earn their living as best they could for the rest of their lives—I think that our people would rise in indignation and such proposed legislation would not have a chance. In principle there is no distinction between suggesting a revision of our penal system so as to create a sort of American Siberia for persons born here and to do what is in effect the same thing to naturalized persons, because after a certain period of time, to deport someone is in effect exiling him.

I have one more point on this matter of review of administrative action. That is a terribly important thing, and I wanted to give just one example. Now, this is being critical of what happened in the past, and I don't want to raise any past issues. But while we objected to the Internal Security Act of 1950, our problems were increased and aggravated considerably because of the implementation by interpretative regulation of that act, which was clearly inconsistent with the meaning of that act, and we got nowhere with the administrative agency involved. We finally had to go to Congress and get relief from Congress, and I think there ought to be a way where an issue such as that can be settled. Now, it probably would be impractical to have every individual take an appeal to the courts, but there ought to be a way where a responsible social organization outside of Government can take an issue such as that to the courts to have a statute construed where it should be construed.

The CHAIRMAN. Thank you.

Is Reverend Bautz here?

**STATEMENT OF REV. DONALD F. BAUTZ, EXECUTIVE DIRECTOR,
LUTHERAN INNER MISSION SOCIETY, CHAIRMAN, WASHINGTON
AREA LUTHERAN RESETTLEMENT SERVICE COMMITTEE**

Reverend BAUTZ. I am Rev. Donald F. Bautz, executive director, Lutheran Inner Mission Society, and chairman, Washington Area Lutheran Resettlement Service Committee.

With your permission, I should like to read a statement.

The CHAIRMAN. You may proceed, Reverend.

Reverend BAUTZ. Mr. Chairman and members of the Committee, I should like to limit my remarks to the experience we have had as one of the voluntary organizations among the many religious groups

of all faiths which have assisted in the sponsoring and resettlement of displaced persons and ethnic Germans during the past number of years.

Our society has brought to the Washington area 268 DP's and ethnic Germans and assisted in the resettlement of more than 400 of these brethren in the faith who have found their way to the National Capital area during these years.

The experience we have had with the adjustment of these people to the American way of life has been indeed gratifying. Men of high caliber who formerly held positions of importance in their native lands, were content to begin all over again in the humblest of positions.

I am thinking of an outstanding international lawyer from Latvia, whose first job in Washington was as a stock clerk in a local department store. Today, however, he holds a key position with the Library of Congress, where his special skills are being put to use for the best interest of the United States.

There have been judges, doctors, and other professional people who had to content themselves with accepting work other than that for which they had been trained or educated. However, over the period of years of adjustment they have been able to once again perform a service to the people of our country by using their talents to the betterment of mankind.

This experience in the field of resettlement has not been without certain problems and difficulties. However, when we look at the picture as a whole, we can truthfully say that the greatest joy has come in the fact that there has been little difficulty on the part of most of these new neighbors to find their place in their new land of opportunity.

Perhaps the fact that I was able to bring my own cousin to the United States as an ethnic German last fall brings me closer to the problems faced by these new immigrants.

He was a young lad born in Yugoslavia some 20 years ago. We had hoped to bring the entire family to America. However, due to an accident which occurred to the father of the family, he, his wife and daughter decided to stay in Germany for the time being.

A few months after arriving here my cousin was classified I-A by his local draft board. However, he did not wait to be drafted, but as soon as he secured his first papers, enlisted in the Air Force. This month he graduated with honors from the Scott Air Force Base School and is now visiting his family in Germany. Because of the present immigration laws he will not be able to bring his family to this country if he wished. Although he is willing to give up his life for his new found land he must be content to allow his family to remain in overcrowded Germany while his sister had to go to Finland to secure work.

Personally I feel that we will not be able to solve one of the greatest problems of our times, that of the millions of refugees, unless the United States takes a more forward step in changing our immigration laws so as to allow a freer flow of these refugees to our shores.

The CHAIRMAN. Thank you very much, sir.

Mr. ROSENFELD. Mr. Chairman, may I request that the record remain open at this point for the insertion of a prepared statement which

is being submitted in behalf of the American Friends Service Committee?

The CHAIRMAN. That may be done.

(The prepared statement submitted by the American Friends Service Committee follows:)

STATEMENT SUBMITTED BY LEWIS M. HOSKINS, IN BEHALF OF THE AMERICAN FRIENDS SERVICE COMMITTEE

This statement is submitted on behalf of the American Friends Service Committee, founded in 1917 as an instrument through which the Religious Society of Friends (Quakers), seeks to carry into social action its belief in the divine element in every human being and in the power of love to reconcile differences. Through the years the committee has carried on a variety of relief and rehabilitation services and other programs whose underlying purpose is to demonstrate peaceful methods of resolving situations of tension and conflict. Such a purpose has brought it inevitably into services for refugees, into programs of reconstruction after two World Wars, and into efforts to help strengthen international agencies and programs for the protection of individuals and the solution of world problems. We feel that our years of intensive experience in services to war victims and refugees, both those in other countries, those who have immigrated to this country, as well as our general activities in the area of international relations, qualify us to speak on the subject of immigration legislation. We are not at the present time, however, a migration agency and do not undertake to testify as technical experts in this field. Rather, we wish to set forth certain general principles which, on the basis of our convictions and of our experience, we believe should be expressed in United States immigration law.

NEED FOR AN AFFIRMATIVE IMMIGRATION POLICY

In the first place, we are disturbed by the basically negative philosophy toward immigration inherent in much of our immigration law, which has now been fortified and expanded in the immigration and naturalization law of 1952. This law places greater restrictions than ever before on immigration into this country and the securing of United States citizenship, and offers greater hazards to the retention of that citizenship; once secured. This negative philosophy seems to be based, in the main, on two concepts both of which are in our opinion fundamentally unsound. One is a general fear and dislike of the foreigner, as such, and the other is a fear of him as an economic threat. For a "nation of nations" such as the United States to fear the foreigner seems in itself to be a contradiction in terms. This country is made up of a combination of practically every national and racial strain in the world. That the cross fertilization of American thought and action by the ideas and skills brought by immigrants has revitalized and strengthened our American culture from the earliest days is a truism that hardly needs repeating. The fear of the foreigner as a threat to our jobs or economic security may on the other hand have a strong superficial appeal when it is not examined critically. However, it is based on the mistake of looking at the immigrant merely as an additional worker, and not as an additional consumer and contributor to the community in myriad ways. Local communities, when a new family moves to town, recognize that family as a new household of potential consumers, and even send "welcome wagons" to call on them and seek their patronage of local businesses. Towns and cities vie with other to increase population, and hold public celebrations when the population figure reaches certain milestones. On the other hand, cities or States which are underpopulated or have lost population look upon this as a misfortune and seek ways and means to attract new residents. It is a strange anomaly that this active desire for population increase on the local level should so often turn to fear when the idea of population increase on the national level, through immigration, is contemplated. And yet, on the basis of expert predictions to the effect that under present circumstances, our population will become stationary within a few decades, it is only to immigration that we can look for the expanding population that an expanding economy demands. Aside from the importance of newcomers as consumers, immigrants have always contributed enormously to the development of our economy through bringing new skills, new processes and entire new industries, not to mention their scientific and cultural contributions. It thus appears that our first need in the field of immigration

legislation is to change our negative attitude of fear, suspicion and restrictiveness to a positive attitude of welcome toward immigrants, recognizing this while this country has much to offer them it also has much to gain from them in return.

ABANDONMENT OF THE NATIONAL ORIGINS QUOTA SYSTEM

A specific application of the fear of the foreigner, directed particularly toward the natives of certain countries, is embodied in the so-called national origins formula on which quota allowances for immigration from European countries have been based since the twenties, and on which immigration from Asia, made possible through recent legislation, is also based. The concept behind all of this legislation is that members of certain races or peoples are inherently less desirable human beings than are those belonging to other races or peoples, and that they are also less readily assimilable. The first of these concepts runs counter to everything that we as Quakers believe about the presence of the divine in every individual and the equality of every man before God. It likewise is incompatible with all the findings of modern science as to the possibility of such a thing as a "pure" race or of racial transmission of individual virtues or vices. It also runs counter to the basic concept of the Declaration of Independence that "all men are created equal" and other concepts of human equality on which our democracy was founded. One would expect it to be opposed by all who claim to support our democratic way of life, especially since we have so recently fought the bitterest war in history largely for the purpose of eradicating just such racial theories from control over the lives of individuals. Unfortunately, however, those who wish to preserve the quota system now defend it as though it were a part of the faith and heritage of our founding fathers and as such inviolable. They ignore the recentness of the introduction of this system into our immigration policy and the fact that it was admittedly adopted in order to discriminate against immigrants from eastern and southern Europe. We have indicated our complete rejection of the first concept upon which this system was founded, and we also reject, on the basis of actual experience, the concept that these people from eastern and southern Europe are not readily assimilable into American life. The American Friends Service Committee, through Friends meetings which have acted as sponsors, has taken a modest part in the resettlement of displaced persons under the Displaced Persons Act. The following are random excerpts from reports received from meetings regarding the families they have sponsored.

"Members of the Friends Church had only words of joy and praise for the J. S. family, which arrived on October 25, 1950. A house has been furnished for them and he is working at the Carmel Screw Works. They are deeply grateful people and are really meaning a tremendous lot to both the Friends group and the wider community."

"In answer to your inquiry about our DP family we can say they are fine. They are loved and respected by the community and are faithful to their work. They have a home and work here as long as they want it."

"A. and M. O., Yugoslav born, 25 and 30 years old, arrived January 22, 1951. A. is a double amputee, but an amazingly well-adjusted individual. They both began promptly to finish small parts in a plastics factory, and within a month had moved to their own apartment. Their combined wages enable them to send a monthly CARE package to both of their families in Europe, and to pay back part of the loan we made them on their arrival. Arrangements have been made to provide A. with much-needed prostheses, which we hope will make it easier for him to get around by the time he is prepared to take a full-time draftsman's position."

"V. and K. D. and their two children landed in America May 2, 1951. Within a week they had an apartment in Beth Ayres and V. was working 6 days a week at Tinari's Floral Gardens. In his own country he was legal adviser to the Latvian Government, but his hobby of gardening was his stepping stone over here. He uses Latin with his Italian-born employer when his meager English is inadequate. He seems to be a fine man and is working hard to master his third language at the age of 62. Mrs. D. also works at the greenhouse 3 days a week, and does cleaning 2 more. Both her employers have been generous and friendly, and we were pleased that she turned down a job in a city department store which is probably more to her taste, because of a sense of loyalty to her first friends in America."

"The 17-year-old son works in a garage, and will have enough money saved by fall to enter Wilmington College and work his way to a degree, if he qualifies for admission. The 15-year-old daughter attended the last month of Abington

Friends School, and now has a KP job at camp for 10 weeks this summer. Her parents should be able by fall to help her to finish school."

"The family of Janis A. is happily settled on my small farm near Anderson. Janis has a \$60 per week job and works nights at a factory in town. Days he works on the farm. Last week he was joined by Juris C. from Latvia, whom I also 'signed' for 2 years ago. Juris also has a factory job and lives with the A. family and helps on the farm. I cannot care for further DP's. These I have are tops, and are already highly satisfactory and respected in the community. They will make fine Americans."

"The K. family have been in Baltimore almost 7 months. Father and son have kept the same jobs they started with in a woodwork mill. Mr. K. has had several promotions. In March, after living in the meeting house for over 2 months, they rented a furnished apartment at \$67 per month. Mrs. K. has attended an English class and can understand our language quite well. She improves in speaking it day by day. The two men are planning to attend night school. They are very fine people, anxious to be independent. They are very generous and most appreciative of all that has been done for them."

"Our 'family' seems to be quite happy at the present. The father is still with the C. C. Motor Co. where he began last October soon after their arrival here. He is pleased with his job, and the people there are well pleased with him and his work. He is a mechanic. He bought an old car for a small sum, made it over into a fine looking one, and expects to sell it for a good price. Now I hear that he has bought another one for \$60 and is going to fix it up and keep it. We think that he is quite enterprising."

"A better-than-average workman in the beginning, Mike has steadily improved as he came to know what was required of him, while Martha has made her way into the hearts of many friends. Little 8-month-old Stephen contributes much to their apparent happiness. Intelligent, conscientious, and adaptable, they have made excellent progress and, at the end of a year and 5 months, fit into the life of the community very well, and we feel will make worthy and useful citizens of the country they are already planning to adopt."

These quotations, representing only a small percentage of the overwhelmingly favorable reports received, refer almost entirely to immigrants from the very countries discriminated against by the quota system. To us they are living proof that such discrimination is entirely undeserved.

In indicating our objections to the quota system on the basis of principle, we have not mentioned the hardships it has caused in countless individual cases, but tragic stories of family separation due to quota inflexibility are legion. This is being brought to our attention particularly now in connection with families of displaced persons who have come to the United States under our sponsorship but who must now wait, in some cases many years, for reunion with other family members still in Europe who were not lucky enough to get here under the Displaced Persons Act and must await their turn on the regular quota. Such heart-breaking separations have been the lot of immigrants to this country ever since the enactment of the quota system. Their toll in economic and emotional strain is incalculable.

At the door of our quota system must also be laid thousands of lives lost in concentration camp for lack of immigration opportunities that would have been readily available had it not been for quota restrictions. Even though we belatedly made provision through the Displaced Persons Act for refugees to be admitted by borrowing against future quotas, the history of recent years has demonstrated how inadequate is dependence on emergency legislation to remove the obstruction the quota presents to programs of rescue when terror and persecution suddenly create thousands of refugees. Shortly before the war, efforts to secure emergency legislation even to bring in a few thousand children outside the quota met with failure and throughout the years of war and Nazi terror immigration was closed except to those refugees who could secure quota numbers. It was nearly 2 years after the war before emergency legislation was initiated to remedy this situation, and more than a year of effort was required before the first bill was passed. When urgent need for revision was demonstrated it took another 2 years to secure the necessary amendments. Meanwhile the refugees whom the bill was designed to rescue remained in crowded DP camps sinking deeper into a despair and idleness which ran the risk of reducing their chances of final successful adjustment. This is hardly in keeping with our proud history as a haven for the oppressed and obviously a new approach is required in order to bring our practice more into line with our announced policy of sharing and spreading the blessings of democracy. This applies not only in

relation to the "emergency" problem of refugees—which we are beginning to realize is not a temporary emergency, but a phenomenon of our times with which we are going to have to cope for years to come—but also in relation to providing our share of resettlement opportunities for persons in countries whose overpopulation is a threat to world peace and stability. We believe that the United States, with its vast natural and productive resources, can well absorb additional immigrants and that it has a special obligation to accept a fair share of these people. Such action would also have far reaching effect in encouraging other countries to accept their proportionate share.

From the foregoing it is clear that we feel that a sound and equitable immigration law can never be built upon the discredited "national origins" concept, and that the quota system should be abandoned. For it should be substituted as simple a formula as possible to give equal opportunity to applicants from all countries dependent on their personal qualifications and not on their fitting into a certain group or category of people. We recognize the validity of preferences for relatives of citizens or legal residents but feel that caution should be used in setting up priorities for immigrants with specific occupational skills. It is important to preserve for newcomers and native born workers alike the right to freedom of choice in employment, and to permit a wide diversity in types of immigrants admitted. While it may be admitted that there is need of a formula for some sort of quantitative, as well as qualitative, control over immigration we are not convinced that the present ceiling of approximately 150,000 quota immigrants a year represents the limit of our absorptive capacity. It may be that this should represent a basic number with flexibility provided so that the numbers can be increased as circumstances require. Such a system would make possible immediate and generous response to future emergency situations without the necessity for emergency legislation to meet each new need as it arises.

The abandonment of the quota system would do away not only with the inequities that have long been suffered by natives of certain European countries, but also with the last vestiges of the infamous oriental-exclusion provisions which have built up so much ill-will toward this country in the East. We emphasize this because the improvement in the direction of eliminating racial exclusion which has been enacted into the new Immigration Act still leaves persons of Asiatic or half Asiatic ancestry chargeable to their countries of ancestry rather than of birth, a relic of racial discrimination that should certainly be eliminated. The same applies to the provisions of the act denying the use of the British quota, for instance by persons in British dependencies in the West Indies, obviously intended as a blow to Negro immigration from those countries. Although there is undoubtedly more fear as to the assimilability of orientals even than of eastern and southern Europeans we can again point to our own experience to indicate that this fear is without foundation, given good will on the part of American communities to help in the assimilation process. During the war the American Friends Service Committee was active in the resettlement throughout the United States of Japanese and Japanese-Americans who had been ruthlessly uprooted from the west coast and thrust into internment camps. We were from the beginning impressed by the loyalty, understanding and lack of bitterness of these people who had suffered such grave injustice at the hands of our Government and of many of their American neighbors. Also, as resettlement opportunities were found for them and neighborhoods prepared to receive them we found them fitting into new communities with remarkable facility. Employers who tried out one Japanese-American were more than likely to ask very soon for more. We ourselves still have many of our own staff and they have proved to be uniformly above the average in ability, devotion, and personal adjustment.

INTERNAL SECURITY PROVISIONS

In regard to provisions carried over into the new act from the Internal Security Act referring to the exclusion or deportation of aliens or the denial of citizenship on the basis of past or present membership in certain parties or organizations considered totalitarian or subversive, we might state that we consider it unsound and unwise to incorporate into our basic immigration law restrictions directed at a present crisis situation. At the same time, we believe that the security provisions previously in effect gave adequate protection from the admission of persons who constitute a real threat to our security. Basically, we believe that democracy will not be saved by attempts at "thought control" or by exclusion or expulsion of those who espouse different ideologies. Democracy is a dynamic and expanding philosophy whose preservation depends, rather, on its being continuously strengthened from within and practiced to the utmost. If

so practiced it has nothing to fear from any competing philosophy. We feel that it is particularly unfortunate to bar students or visitors on account of their past or present beliefs since contact with democracy in action would be the most potent force to modify those beliefs and send back new ideas with them to their respective countries.

"SECOND CLASS CITIZENSHIP"

We are deeply concerned by the provisions of the current act which make distinctions between native-born citizens and naturalized citizens, to the disadvantage of the latter. We can see no justifiable basis for such distinctions and believe that they should be eliminated. We are likewise concerned by the deportation provisions which are punitive in character and retroactive in application. It is our conviction that would-be immigrants to this country should, from the time of their initial application, be handled according to American standards of justice and fair play, that persons once admitted for permanent immigration should thereafter be accorded the protection and benefits accorded to United States citizens, (with the exception, of course, of the right to vote, prior to naturalization), and that fraud in securing admission should be the sole basis for deportation. Even in such cases, due consideration should be given to extenuating circumstances.

REVIEW PROCEDURES

Another source of concern in the act is its tendency to concentrate power in the hands of administrative officials and its failure to provide adequately for review procedures. We believe that previously existing forms of protective review should be preserved, including application of the Administrative Procedures Act. In addition we recommend that the present Administrative Board of Immigration Appeals should be made a statutory body and that a similar review board should be set up to review consular decisions which are not now subject to any review procedures.

ALTERNATIVE NATURALIZATION OATH FOR CONSCIENTIOUS OBJECTORS

We are very much gratified that the new act has made provisions for an alternative naturalization oath for persons with conscientious objections to the bearing of arms. Our one further suggestion in this connection would be that the exemption thus provided should be extended to persons whose objection is on the grounds of conscience, as well as to those whose stand is based on "religious training and belief." Although the latter takes care of conscientious objectors within the Religious Society of Friends, the experience of the American Friends Service Committee in administering programs for conscientious objectors, non-Friends as well as Friends, has shown us that there are many people who are deeply conscientious in their convictions on pacifism but who do not express those convictions in religious terms.

INTERNATIONAL IMPLICATIONS

We do not wish to terminate this statement without further comment about the international effects of our immigration legislation. As the most powerful and wealthy of the western nations, as well as one offering leadership in the preservation of democracy, it is only natural that our actions in this field have wide repercussions in all other potential immigration countries, and also in the countries now feeling the pressures of would-be emigrants. The passage of our Displaced Persons Act raised hopes and morale among refugees throughout the world and stimulated resettlement opportunities in other countries. Conversely, the recent termination of that act, followed closely by restrictive general immigration legislation, has spread despair among refugees and members of surplus populations, has discouraged other countries which might offer a haven, and has created unfavorable reaction toward the United States in many parts of the world. A recent report from one of our staff members in France has this to say:

"Needless to say, the passing of the McCarran Act was viewed in France with great dismay by people concerned with the refugee question. Several French newspapers had column headlines: "United States Closes its Doors to Refugees," and similar statements.

"In a country which has little choice in the matter of the refugees it receives, there is of course bound to be strong feeling against a measure which tightens restrictions (already considered pretty strong) applying to immigration.

"The fact that the United States was settled comparatively recently by immigrants and now boasts of having a higher standard of living than any other country in the world naturally makes the new restrictions on immigrants seem even harsher than they otherwise would. I should be surprised if the passing of this act has not contributed to a certain extent to the feeling against the United States Government which I have noticed has increased over here during the past few months."

At the present time immigration opportunities are at the lowest point in years, to the great consternation of all concerned with the migration problem, including that of refugees and surplus populations. It is hard to think of anything that would give greater impetus to national and international efforts toward the solution of this entire problem than would prompt and vigorous action on the part of the United States in liberalizing its immigration legislation. Such action, we believe, would be in our own long-term best interests both internally and because it would contribute to the increased well-being and stability of a world in a state of dangerous tension.

CONCLUSIONS

We have made no pretense in this statement of providing an exhaustive analysis of our present immigration law, but we believe that we have covered the main matters of principle which should underlie our immigration policy. We hope most sincerely that top priority will be given in the next session of Congress to the enactment of a bill that will replace the present Immigration and Nationality Act with a new act preserving its positive features and at the same time embodying the principles outlined above.

The CHAIRMAN. The next witness on our schedule is Monsignor Swanstrom.

STATEMENT OF RT. REV. MSGR. EDWARD E. SWANSTROM, EXECUTIVE DIRECTOR, WAR RELIEF SERVICE, NATIONAL CATHOLIC WELFARE CONFERENCE, ACCOMPANIED BY REV. ALOYSIUS WYCISLO AND JAMES J. NORRIS

Monsignor SWANSTROM. I am Msgr. Edward E. Swanstrom, executive director of War Relief Services, National Catholic Welfare Conference, 550 Fifth Avenue, New York.

I am accompanied by two assistants, Rev. Aloysius Wycislo and Mr. James J. Norris, whom I brought with me thinking that you might have some questions they, who are experts in this field, could answer.

I should like to read a prepared statement.

The CHAIRMAN. We shall be pleased to hear it.

Monsignor SWANSTROM. First of all, I wish to express my appreciation for being given this opportunity of appearing before you. I feel that you are studying one of the most important issues facing our country, and that it has a tremendous bearing on our efforts to help create a world at peace. I am sure that the hours of testimony that you have heard, and the statements you have received as you went about the country all attest to the deep interest of many thousands of our citizens in the immigration and naturalization issue.

As executive director of War Relief Services, NCWC, I am charged with the administration of the broad relief and resettlement program of the American Catholic bishops. During the past few years we have been privileged to have a part in the resettlement of 155,748 displaced persons in the United States under the Federal Displaced Persons Act as amended.

It is now generally agreed that the majority of the 393,542 persons admitted under the act have been fairly well settled within the coun-

try, even though many of them may have shifted to different localities from the ones in which they were originally placed. I doubt very sincerely that any of the early fears that those people would displace American citizens from their homes or their jobs were justified. More than anything else, our experience under that legislation demonstrated that people freely welcomed and generously assisted by both public and private agencies cannot only readily adjust to our American economy but can add new strength and new vitality to American life.

I have just returned from a world-wide survey of our own operations in Europe, the Middle East, India, Pakistan, and the Far East. I have come back convinced more than ever before of the need and desirability of a flexible and democratic immigration policy on the part of the United States. We need an immigration program that is sufficiently elastic to enable whatever administration may be in office to face up squarely to a domestic and foreign policy which is in keeping with the position of world leadership which the United States enjoys today. It is foolhardy to lose sight of the fact that our immigration policy has a foreign as well as domestic impact. Our immigration policy has as great an effect on our neighbors as the technical and economic assistance we are extending abroad. Our immigration policy has an economic, psychological, and political character of an extent that would be difficult to measure.

In light of these considerations, I think it is most fortunate that the creation of your Commission has given us an opportunity to reassess our entire immigration and naturalization structure and policy. We have today an American policy on immigration which is completely outmoded, out of harmony with our ideals and actions, and completely at variance with the foreign policy which we are pursuing in accordance with such ideals. Many feel that our new immigration law, as enacted by the Eighty-second Congress, is even more restrictive than those it set out to recodify. The national origins quota system, around which our immigration policy and law is built, is prejudicial and discriminatory and should be abolished. In its stead we might well establish, as has been pointed out here before, an annual admission figure in ratio to our population: for example, one new immigrant to every 500 people in our country. These opportunities for admission to the United States might then be given to people in accordance with American interest and need, and the qualifications, needs, and family relationships of those who would benefit or be benefited by a place within our American economy.

Qualified experts can easily work out the ratio of different groups of people to be admitted under such a liberal policy. The most important thing is that we should have a positive rather than a negative policy of immigration: a policy that would tend to welcome people to our shores rather than one that seems to be designed to make it as difficult as possible for them to come to our country.

Everyone knows that it is a sorry world in which we are living. Upon my return from a trip around the globe I added up the total of the groups of dislocated peoples among whom I had visited. It amounted to well over 38 million. Naturally the vast majority of these millions will have to be integrated into the economies in which they presently find themselves. However, whole thousands of them will inevitably have to be resettled in other lands. To cite but an ex-

ample or two—Western Germany, despite all its valiant efforts, will never be able to assimilate adequately the 7,600,000 so-called expellees and the newly arrived 1,800,000 refugees from the Soviet zone. Even as we sit here they are coming across the border. A congressional committee study made a few years ago verified the study made by the Bonn Government Ministry for Expellees that at least 1,000,000 of these people would have to be drained off by emigration. Italy cannot possibly absorb the thousands of returnees from her colonies any more than she can absorb the 250,000 new hands entering her labor market each year. In both of these countries and in other countries of Western Europe there are still thousands of old United Nations refugees and iron curtain country refugees and escapees who cannot possibly be absorbed. As I indicated above, these are but a few examples.

Now I do not mean to imply that America should absorb all of these unwanted thousands, but certainly our country can give an opportunity for resettlement to a certain portion of them. Under the policy I have suggested we might make provision for 300,000 of them over the period of the next 3 years. This would be in harmony with some of the most enlightened suggestions made by the leaders of our Government, would not be discriminatory in any respect to others who desire to come to our shores, and would be completely in harmony with our often-expressed desire and our promise to help these people in every way possible. By thus acting, we would be giving a further example to the other countries of the free world who can readily absorb many of these people as immigrants and who seem prone to follow America's lead and example.

In Europe this fall I was told time and time again of the demoralizing effect of the passage of our new immigration law at the last session of Congress. Thousands of refugees and escapees feel that the door to America is closed to them forever. Many of course might never have been able to come here, but by the passage of this law they saw hope itself disappear.

By the same token, a revision of our immigration policy along truly Christian, democratic, freedom-giving lines would give hope and courage to the people and nations with whose help we are struggling to bring about world peace. I cannot minimize what the United States has already helped to accomplish. We can look with just pride upon the accomplishments of the ECA, MSA, our point 4 program, PICMME [Provisional Intergovernmental Committee for the Movement of Migrants from Europe], with the support we have given it, as well as our support of earlier agencies such as UNRRA and the IRO. As you travel around the world you feel the good effects of all those things. But our efforts cannot rest there.

The task that we face in bringing about a more equitable distribution of the world's peoples and goods is a gigantic one. Its vastness must not deter us, however, because its solution, and only its solution, courageously sought and as courageously pursued and obtained, can put us on the path to the peace the world has been seeking. Many pious words have been written and spoken since the close of World War II about this issue. All too little has been accomplished in the realm of its solution.

This year both political parties and their candidates have uttered their convictions that a solution must be found. It is my hope that this Commission and the report which it shall render will resolutely

set forth the fact that our country must assume its share of providing home and job opportunities to the homeless and displaced abroad. It has always been our part to offer a haven and sanctuary to the oppressed. Our country has grown great and remains strong through its early willingness to provide a homeland and opportunity for successful living to hundreds of thousands from other shores. A return to that way of thinking and manner of acting within the limits of our ability to properly absorb and provide for new immigrants is required in this half of the twentieth century if we are to endure as a free nation in a free world. I would put it that strongly.

The CHAIRMAN. Thank you very much, Monsignor.

Mr. ROSENFELD. Monsignor, I wonder if you would care to indicate to the Commission the experience of War Relief Services in the question of the relative absorbability of groups of different nationalities. That is one of the problems with which the Commission has been concerned, and your organization has had a great deal of experience in that. We might profit by your views on it.

Monsignor SWANSTROM. We did find that some nationalities of whom there were, what you might call, islands in the United States, concentrations of their nationality in certain large cities, did have a tendency to find it difficult to find their way into those communities largely because of their desire to be among people who speak their own language and have somewhat the same customs. I always thought we did too little on the other side to help people understand English and a little more about our American customs so that would not necessarily happen. Some nationalities who weren't concentrated in particular places had no difficulty, of course. I can think particularly of Estonians or Latvians. One doesn't think of them settling that way. They had no difficulty. We did have that where we had large nationality groups, because of their relatives and friends as well as themselves.

Mr. ROSENFELD. Did you find, however, once they did find themselves distributed in whichever way they felt best that they had difficulty adjusting to the American scene?

Monsignor SWANSTROM. None whatsoever.

Mr. ROSENFELD. Did you find a difference among differing groups as to the ease of their adjustment?

Monsignor SWANSTROM. I don't think so. Father Wycislo might have some statement to make on that.

Reverend WYCISLO. I think somewhat along the same line. I think the children help a great deal. They get into the schools and tell their people about it. It is an education to get into some of the communities and see how quickly the children get into the schools and how quickly they pick up the American way of life.

Mr. ROSENFELD. Thank you.

Commissioner O'GRADY. I wonder, Mr. Chairman, if I might bring up this question. We have also been trying to learn what the effect of our immigration policy is on the conduct of our foreign policy and our relations with the peoples of other countries.

I wonder, Monsignor Swanstrom, if you or Mr. Norris could furnish the Commission with specific evidence of that as you have seen it.

Monsignor SWANSTROM. Two things stand out in my mind. Any place you go among these dislocated groups, if you mention the possibility of their coming to the United States through an immigration

program, it fills them with a hope and a courage to face what they are up against. I notice too, as I tried to point out in my paper, when it was announced—and you can bet your bottom dollar it was announced in every refugee camp as well as the various refugee groups—that we had restricted our immigration policy, there was a let-down in the spirit of these people, and they became very demoralized about it. I am told, and on good authority, by the leaders of the social workers—we have about 200 social workers working among the hard core of DP's—that they are completely demoralized because all immigration opportunities are cut off.

Mr. NORRIS. To amplify on what Monsignor Swanstrom has said on the relation of American policy and the policy of other countries in immigration, as Monsignor Swanstrom pointed out, the position of leadership has been taken by the United States, or forced upon the United States. Today we provide economic and military aid. We are supporting the intergovernmental community for immigration. We are supporting the Government escapee program for refugees.

Now, on the other hand, we are refusing opportunities for migrants to come to the United States. Shortly after our new policy was announced the Australians announced an immigration cut by 50 percent in 1953 and the Canadians announced a drastic cut. South America greatly reduced its immigration. I think the leadership America has taken in immigration is bound to reflect in other areas. It is difficult for us, trying to promote migration to other areas as well as to the United States, to stand up and tell them to take migrants when the United States refuses to open its doors in a generous way.

Commissioner O'GRADY. Have you heard any specific statements from people in foreign countries as to how they feel about the immigration policy of the United States?

Monsignor SWANSTROM. It is hard to recall them offhand specifically. You hear them frequently turning it against us, saying that America is preaching one thing and acting the other way.

The Protestant leaders have emphasized doing something immediately. I feel just as strongly as they do on that. I don't think it is something we can put off for 3 or 4 years. The time is now, and we have to begin to do it by doing away with quotas and setting a ceiling, giving somebody the ability to use those quotas within the given number.

The CHAIRMAN. Thank you very much, Monsignor.

Our next witness will be Judge Levinthal.

STATEMENT OF JUDGE LOUIS E. LEVINTHAL, REPRESENTING THE HEBREW SHELTERING AND IMMIGRANT AID SOCIETY, THE UNITED SERVICE FOR NEW AMERICANS, AND THE NATIONAL COUNCIL OF JEWISH WOMEN, ACCOMPANIED BY WILLIAM MALES, ANN PETLUCK, AND ABRAHAM ROCKMORE

Judge LEVINTHAL. I am Louis E. Levinthal, and I represent the Hebrew Sheltering and Immigrant Aid Society, the United Service for New Americans, and the National Council of Jewish Women.

I am accompanied by William Males, administrative assistant of the Hebrew Sheltering and Immigrant Aid Society, Miss Ann S. Petluck,

assistant executive director of United Service for New Americans, and Abraham Rockmore, counsel for the Hebrew Sheltering and Immigrant Aid Society.

With your permission, I should like to read a prepared statement.

The CHAIRMAN. We shall be pleased to hear it.

Judge LEVINTHAL. As I mentioned, I am here representing the Hebrew Sheltering and Immigrant Aid Society, the United Service for New Americans, which overseas operates through the Joint Distribution Committee, and the National Council of Jewish Women. These American organizations are the leading Jewish agencies in the field of migration, resettlement, and naturalization. They have a vast and rich body of experience in the day-to-day work in the field of migration and naturalization.

The proposals jointly made by these organizations, I believe, stem from a thorough working knowledge of the problems, and a deep understanding of the democratic heart of America which motivates their activities for the mutual benefit of the newcomer and of our Nation.

We feel that the United States needs and can absorb more immigrants; that immigration is beneficial to the United States as well as to the alien. We submit that our existing immigration laws have a strong restrictive flavor and philosophy which reflects a distrust of the stranger that is alien to our culture and our democratic traditions of welcome and haven. We believe that a fair and humane immigration policy can and should be established. After long consideration, it is the firm belief of the organizations I represent that such a fair and humane immigration policy should embody, as a minimum, the following basic principles:

1. Each prospective immigrant should be judged on his own merits and not according to his place of birth or his racial background. Simply stated, this means the elimination of the national-origin system.

A substantial increase in the present limits on the numbers permitted entry under existing laws, on a planned resettlement basis, is not only desirable but essential to our continued development as a Nation.

2. The standards of admission to the United States should be revised to protect the interests of the United States and at the same time to give fair and humane treatment to the prospective immigrant, giving full recognition to the principle of reformation which is basic to all religions, legal, and moral standards.

3. Because the immigration processes are of concern and benefit both to the United States and to the immigrant, it is essential that reasonable and adequate review practices be established.

4. There should be one governmental agency to control both the issuance of visas and the admission of aliens.

5. Once a person has been admitted for permanent residence to this country, he should not be deported unless his entry was based on fraud.

6. Distinction between naturalized and native citizens should be abolished, except where fraud in obtaining citizenship is proved.

I know that some of these proposals might seem unreal, but I think on mature judgment you will think they are basically just and I think practically wise for the welfare of the United States.

There has been voluminous testimony before this Commission concerning the fallacious and vicious nature of the national-origin sys-

tem, which is based on an outmoded racist theory. I feel strongly that this system contradicts the basic principles of American democracy—that an individual should be judged only by his individual worth and merits, and not where he happened to be born, a fact over which he had no control. I believe this system is a malignant growth and must be rooted out.

Many people who agree in principle that the national-origin quota system should be eliminated have asked, "What is the alternative?"

We should like to offer an alternative which we consider simple, effective, and workable. We believe that our capacity to absorb new immigrants is much greater than any present or contemplated levels of immigration. We respectfully submit that a proper "floor" would be in the neighborhood of about 300,000, which is approximately two-tenths of 1 percent of our population, or a ratio of 1 new person to every 500 residents of the United States.

The setting of any maximum ceiling figure should be undertaken by Congress in such a manner as to permit flexibility according to variations in our ability to absorb larger numbers. In other words, we suggest that Congress should fix a minimum floor and a maximum ceiling.

We suggest the appointment of a bipartisan commission by the President, with the approval of Congress, representing economic, welfare, and Government interests. Such a commission would have a continuing responsibility to study the situation and to set the number of quota immigrants admissible on a periodic "as needed" basis, using a sliding scale between the minimum "floor" and the maximum "ceiling" set by Congress. Domestic and world-wide factors would be taken into account by this Commission in establishing such quotas.

Once the total quota has been set for a given year, the problem of allocation arises. Again we feel that only a simple mechanism is needed. At the present time, the prospective immigrant registers his desire to immigrate to the United States with an American official abroad. Now it is the consul. This practice should, of course, be continued.

We believe that the present nonquota category should be retained, and in addition there should be preferences based on the following categories:

1. Family reunions of fireside relatives.
2. Family reunion up to the third degree of consanguinity. As you know, such a priority was established under the DP Act.
3. Persons of distinguished skill and merit, such as eminent scientists, recognized artists, etc.
4. A certain percentage within the preference category should be allocated by the Commission on the basis of the foreign-policy needs of the United States, and special emergency requirements throughout the world.
5. After the afore-mentioned preferences have been satisfied, all qualified potential immigrants remaining should receive their visas in accordance with the date of their registration with an American official abroad on a world-wide basis of first come, first served. This would incorporate present practices, but would eliminate the assignment of persons to any specific quota.

We believe that this system is simple, effective, and worable, nor is it very different from the practice of visa issuance now in effect.

But it would eliminate the discriminatory national origins quota system.

The benefits of any law, no matter how perfect, can be lost if the administration of that law is not effective. At the present time, the responsibility for the administration of the immigration laws is divided between the State Department and the Justice Department. Other agencies of the Government, such as the Public Health Service and the intelligence agencies, also become involved. There has been a lack of uniform interpretation of the immigration laws and regulations between these departments, each department deciding for itself what action to take. The American consul may issue a visa to an alien and on the same facts and circumstances the Immigration Service may exclude this very same alien. As a matter of fact, among the American consuls themselves there are different interpretations on the same or similar facts and circumstances. I know that when I was in Germany in 1947 and 1948 as advisor to General Clay, I came across a number of instances where the consul in Frankfurt and the consul in Munich disagreed on the very same facts and circumstances. The American consuls are vested with absolute discretion to grant or withhold a visa depending upon their individual attitude toward an applicant. They are, in fact, omnipotent. Even in cases where the Board of Immigration Appeals makes a ruling, such a ruling is not necessarily binding upon the Visa Division.

We therefore recommend the establishment of one independent Government agency which would issue visas and also be responsible for the admission of aliens.

The Hoover Commission on Organization of the Executive Branch of the Government recommended that the visa-issuing functions of the Department of State be transferred to the Department of Justice. While we agree with the Hoover Commission recommendation that the visa-issuing functions and admission of aliens should be under one Government agency, we feel that such an agency should be neither the State Department nor the Justice Department, but, as previously stated, an independent agency.

The State Department's basic function is the handling of foreign affairs throughout the world. The American consuls are required to perform many other duties, and visa issuance is only a small part of their responsibility. The Justice Department is mainly concerned with law enforcement in the United States and the Immigration and Naturalization Service is only a small part of its over-all function.

A new independent Government agency concerned solely with the issuance of visas and the admission of aliens would be advantageous in many ways. For one thing, there would be uniformity of interpretation of the laws and regulations. Better and more expeditious service in visa issuance would result, since Government officials issuing visas would be concerned solely with that function, and not with many duties unrelated to visa issuance.

Our next recommendation is that there be established reasonable and adequate review practices. At the present time, there is no formal provision for appeal from the decision of a consul in refusing to grant a visa. While it is true that the alien's American sponsor may request the Visa Division to make an informal review, the Visa Division can only request the consul for his version of the denial. The consul presently has the absolute and final right to reject or grant a visa.

It may be contended that the prospective immigrant has no rights under our laws and therefore no provision can be made for an appeal by him. But, as I heard one of the prior witnesses suggest, it may be true that the immigrant has no such right under our laws, and we contend that immigration is important not just to him but also to his American sponsor. Therefore the denial of a visa may be a deprivation not only to the prospective immigrant but to Americans as well. We suggest that a review procedure could be based on the right of appeal by the American sponsor. This review procedure could be made a very simple process. A review board could be established within the agency administering the issuance of visas. We do not desire to institute an appeal procedure which would be dilatory. However, we believe that as in any other administrative agency, reasonable and adequate administrative appeal procedures can be set up within the visa-issuing agency to make certain that the law is being properly administered, and that no injustice is done. There should also be recourse to the courts in the same way that there is recourse to the courts where other administrative bodies have allegedly abused their discretion.

And now I come to the proposal which may on first blush appear to be excessively radical. I submit it is sound and just, morally right, and practically feasible.

Under our immigration laws, deportation has been used as a form of punishment, despite what our Supreme Court has said repeatedly about our deportation not being punishment. This concept of deportation stems from the medieval idea of exile and banishment. Deportation of an alien not only punishes the alien involved, but also punishes members of his family who are entirely innocent. We believe that an alien who committed a wrong should be punished for his transgression on the same basis as a citizen. We do not believe, however, there should be the added penalty of banishment. Once a person is admitted into the United States for permanent residence, he should have the privilege of remaining in this country, unless his entry was based on fraud.

Our present laws are unfortunately based on a concept that aliens are admitted here on probation, and that they should be held to a higher standard of conduct than the native-born. Once we have accepted an alien in this country, it is our duty to help him become a useful and law-abiding member of the community. If he fails to do so, then let the punishment fit his crime, as it would that of any other member of the community. Deportation is not a method of correction, nor can it solve any of the basic problems which may stem from social conditions which should be corrected.

One need only refer to a case like that of Luciano, who is now in Italy. He is much more dangerous as a criminal there, it seems to me, than if he were here under surveillance or under probation of some court in the United States.

The CHAIRMAN. I wouldn't agree with you, Judge. I would rather he stay where he is.

Judge LEVINTHAL. But he is dangerous to us, according to reports, carrying on crimes on an international scale to our detriment. I don't think he ever should have been admitted if he was bad originally, but if he became bad here he should be treated here just as any other American citizen.

I can understand, Mr. Chairman, that you feel as you do because you have been working in the practices of the laws of our country.

In the light of our established practices, it may seem quixotic to advocate that immigrants, who entered our country without fraud, should not be deported, and that all citizens, whether native-born or naturalized, should be equal before the law. But I submit that upon mature consideration we shall find it to be both ethically right and practically wise—certainly in our administration of criminal justice and in our system of penology—to heed the oft-repeated Biblical admonition first enunciated by Moses more than 3,500 years ago: "Ye shall have one manner of law, as well for the stranger, as for the home-born." (Leviticus 24: 22.)

Since my time for presentation before this Commission is limited, I ask leave to submit a written statement, which you have. In this statement, the points I have discussed are covered in greater detail, along with the other principles which the voluntary agencies I represent believe should be embodied in our immigration laws.

THE CHAIRMAN. Thank you. The written statement you referred to will be inserted in the record at this point. A prepared statement which I understand the Hebrew Sheltering and Immigrant Aid Society wishes to submit for the record will be included when it is received. (See p. 1783.)

The statement submitted by Judge Levinthal follows:)

STATEMENT SUBMITTED BY JUDGE LOUIS E. LEVINTHAL, OF PHILADELPHIA, IN BEHALF OF THE NATIONAL COUNCIL OF JEWISH WOMEN, THE HEBREW SHELTERING AND IMMIGRANT AID SOCIETY, UNITED SERVICE FOR NEW AMERICANS

The following statement is presented to the President's Commission on Immigration and Naturalization on behalf of agencies which have a combined history in the field of immigration and settlement of nearly 70 years. These agencies, which have together aided hundreds of thousands of newcomers to the United States, have developed a concept of planned settlement and Americanization aid which combine the techniques of social welfare and technical aid for the immigrant. They operate through a network of local affiliates and provide a program of aid throughout the country that includes financial and medical aid, individual and family rehabilitation, employment services and loan funds, retraining, special services for children, protection and social and cultural adjustment. Overseas, refugees and immigrants are similarly aided where necessary and guided through the maze of migration technicalities and problems.

The agencies on whose behalf I speak are the National Council of Jewish Women, the Hebrew Sheltering and Immigrant Aid Society, and the United Service for New Americans, which operates overseas through the American Joint Distribution Committee.

The National Council of Jewish Women is an organization with an enrolled membership of over 96,000 women in 245 operating local sections. In 1903, the council initiated its special program for aid to newcomers at the request of the Government. It provides services on a nonsectarian basis to prospective immigrants, helping them from their arrival at the port of entry continuously until they have been integrated into our American way of life and have proudly achieved United States citizenship. In 1946, some of these national services were merged with the National Refugee Service to form United Service for New Americans. Members of the council have continued their long and deep interest in serving the foreign-born, through the local sections, particularly in the fields of Americanization and integration.

HIAS, the Hebrew Sheltering and Immigrant Aid Society, founded in 1884, is now in its sixty-eighth year of continual and uninterrupted service to Jewish migrants. The original program of the society was to provide shelter and assist in finding employment for Jewish immigrants; subsequently it became international in scope and character to include all phases of migrant aid, with branch offices in the United States, and branches and committees in Europe, the Far and Middle East, South Africa, and South and Central America.

The general program is as follows: To facilitate and assist in the departure of Jews from countries where they find it difficult or impossible to live, to facilitate the legal entry of Jewish immigrants to the United States and to other countries which offer them a haven; to provide them with temporary shelter, food, and other necessary aid; to transport them to their final destinations; to help residents in the United States prepare and file necessary immigration documents. The program includes representations to governments for the liberalization of immigration laws.

HIAS is currently engaged in its traditional work of facilitating the entrance of Jewish immigrants to the United States and other countries, and assisting them in becoming good citizens in their newly adopted lands.

HIAS derives its funds from public subscription and contribution, mainly from private individuals, labor, religious, and fraternal organizations, and community funds.

United Service for New Americans and its predecessor agencies have a history of 19 years of active work for the immigration, resettlement and integration of Jewish refugees in the United States. Originally organized as the National Coordinating Committee for Aid to German Refugees in 1934, the agency was reorganized and expanded in 1939 to become the National Refugee Service. In 1946, when the extent of the displaced-persons problem became known, the NRS was merged with the National Service to the Foreign-Born Section of the National Council of Jewish Women to form the present agency.

The Joint Distribution Committee serves as the overseas agency for United Service. Like USNA, its funds come from the United Jewish Appeal. The programs of both agencies are geared to provide rescue first and joint social planning for the benefit of the immigrant, his family, and the Nation as a whole.

The keystone of the United Service program has been its development of Jewish communal responsibility for the welfare and speedy adjustment of newcomers. This policy has made it possible to settle newcomers successfully in hundreds of communities in all 48 States and the District of Columbia.

This very brief description of the work of each agency I represent here today is given primarily to demonstrate their long, practical experience in the field of immigration and naturalization. This statement, including the proposals being made, stem from a thorough working knowledge of the problems and a deep understanding of the democratic heart of America which motivates their activities for the mutual benefit of the newcomer and of our Nation.

II. IMMIGRATION LEGISLATION IN THE UNITED STATES

The restrictive immigration and naturalization policies of King George III of England was one of the sore points of the Colonies, and is specifically mentioned in the list of grievances against him in the Declaration of Independence. Our forefathers, immigrants themselves, were well aware that continued immigration was of vital importance to the growth of the country. Until comparatively recently in our development from a new land to the leading Nation of the free world, immigration was encouraged. Early congressional interest was centered in aiding the immigrant, and the first laws actually passed by Congress dealt with protecting him from bad transportation conditions on vessels, and giving him special assistance in land settlement.

In 1875, recognizing the need to control the kinds of persons entering the country for permanent settlement, legislation was passed to make certain that no convicts should be admitted and that women should not be imported for immoral purposes. It was not until 1882, under special circumstances, that Congress passed the first discriminatory measure dealing with immigration, when they excluded the Chinese, and it was not until 1921 that restrictions were placed on the numbers of immigrants to be admitted.

The Immigration Act of 1921, and as amended in 1924, announced the national-origins theory as a policy over the strenuous objections of many people who felt that this was discriminatory legislation. In 1940 the nationality laws were codified and alien-registration legislation was enacted. Yet even during this period there was a recognition of the need periodically to amend the law to incorporate provisions urgently required to solve current social problems. Suspension of deportation was authorized in hardship cases; the practice of pre-examination was authorized by regulation to help aliens adjust their status. Special legislation to meet the needs of the refugee problem and the displaced person was enacted in the Displaced Persons Act of 1948 and liberalized through amendments in 1950 and 1951. The trend was definitely toward an awareness

of the human problems and needs and acceptance of America's responsibilities as a leader among nations. The enactment of the Internal Security Act in 1950 was a retrogression. By seriously curtailing the rights of aliens and enlarging the powers of deportation, it virtually set the tone for the Immigration and Nationality Act of 1952.

This reflects a distrust of the stranger which is truly alien to our culture and our democratic traditions of welcome and haven. While in limited areas it makes feeble attempts to correct some of the wrongs which had been obvious in our immigration law, it is on the whole strongly restrictive in philosophy and in actuality.

Our country can absorb a greater number of immigrants than has been permitted under the quota act. The continuing flow of immigrants into our country has been the yeast which makes our cake rise; the combined cultures of many countries has given our own culture its special flavor. Immigrants who flee persecution, who seek democracy, become the strongest exponents of the democratic way of life.

There is a growing expression of interest in the United States in continuing and increasing immigration. The Displaced Persons Act has proved that new people can be assimilated into the United States and that they have ability to contribute greatly to our welfare at little cost to ourselves. Our experience with the displaced persons gives the lie to the quota system, presumably based on a belief that natives of some countries cannot be integrated.

It is a fact that 85 percent of the DP's admitted and successfully settled throughout the country came from those very eastern European countries against which the quota system discriminates. It is truly a tragedy for our Nation that the future quotas of these countries are now so heavily mortgaged that unless the system is changed, we will be deprived of many strong future citizens.

The United States has a special responsibility in the field of immigration, both as a world leader and as a country built by immigrants. It should enact laws giving immigrants just and fair treatment and admitting as large a number as the Nation needs to continue its development and add to its strength.

A first step toward achieving these aims is the abolishment of the national-origins system, with its discriminatory and repugnant racist concept.

III. NATIONAL ORIGINS SYSTEM

The effect of the national origins system was not felt until the late 1920's, and coincided with the beginning of world-wide and domestic crises. As a matter of actual fact, there were more persons leaving the United States in this period than were entering it. Its restrictive aspects, therefore, were not brought home in a practical sense. Attention of the average citizen, as well as the voluntary welfare agencies, were focused on the practical problems of the moment, the growing threat of war, and the final winning of the war itself. This was not the time to agitate for a reform in our immigration policy, when the world was in flames and our every effort was required to extinguish the conflagration.

Immediately after the war, when the Allied armies liberated the survivors of the Nazi concentration camps and labor camps, some immediate solution to the problem of the displaced persons was the major essential. At that time, President Harry S. Truman attempted to alleviate the situation through extraordinary and emergency measures within the framework of existing law. The country, aroused by the horrors disclosed and the pitiable situation of the DP's, set up a public clamor for special legislation to offer asylum to large numbers of refugees. Because of the national origins system, nothing could be done within the framework of the law. The Displaced Persons Act was consequently passed in 1948 and twice amended, to permit more than 300,000 persons to enter the country, irrespective of country of origin or quota numbers. Nonetheless, this was achieved only through a plan of mortgaging 50 percent of future quotas. While this temporary solution provided some immediate benefits, it failed to solve the problem. It is now apparent that this expedient method has merely intensified the problem for remaining displaced persons and prospective immigrants. In some instances, the quotas of countries are mortgaged for more than 100 years ahead, penalizing generations to come. The most heavily mortgaged quotas are in those very countries where the need for emigration is the greatest.

The inequities of a quota system based on national origins are graphically demonstrated by the present situation. During the hearings before the Senate Judiciary Committee preliminary to the passage of Public Law 414, the agencies I represent had indicated the fallacy of the national origins system and had

suggested as an alleviate measure the pooling of unused quotas. In the light of current facts, we now realize that the pooling of unused quotas is again a make-shift and expedient solution. It avoids the core of the problem. We feel that our Nation has both the courage to look facts in the face and the initiative to change.

We feel that the United States must take the lead in international migration plans, as it has taken the lead in other world problems. The United States has already shown its interest by allocating funds from the Mutual Security Act to the President's escapee program, and by participating in the setting up of the office of the United Nations High Commissioner for Refugees and Provisional Inter-Governmental Committee for the Movement of Migrants from Europe. It seems ironic that the United States should devote millions of dollars to encouraging persons to escape from behind the iron curtain and then refuse them admittance to the United States because of an arbitrary and archaic quota system.

Pressing problems in the migration field require remedial legislation as quickly as possible by the Congress of the United States to maintain our position of leadership, our foreign relations program and the intergovernmental and voluntary agency machineries working in the international migration program.

Despite the fact that there are in Europe and adjacent areas millions of refugees, homeless, jobless, and in need of settlement, the number who will have an opportunity to emigrate to all countries this year is less than 50 percent of the number who emigrated last year and the year before. Migration has reached the lowest point since the end of World War II. Without new legislation, the prospects for next year are even worse.

We believe, therefore, that a fair and humane policy must be established. What should this policy be? How administered? How accomplished? From years of experience and from a knowledge of every facet of the immigration, resettlement, and integration operation, we have proposals to make which we believe offer a practical and beneficial demonstration of our democratic philosophy.

IV. PROPOSALS FOR CHANGES IN IMMIGRATION AND NATURALIZATION LAWS

It is our firm belief that a fair and humane immigration policy must embody, as a minimum, the following basic principles:

1. Each prospective immigrant should be judged on his own merits and not according to his place of birth or his racial background. Simply stated, this means the elimination of the national origins system.

A substantial increase in the present limits on the numbers permitted entry under existing laws, on a planned resettlement basis, is not only desirable but essential to our continued development as a nation.

2. The standards of admission to the United States should be revised to protect the interests of the United States and at the same time to give fair and humane treatment to the prospective immigrant, giving full recognition to the principle of reformation which is basic to all religious, legal, and moral standards.

3. Because the immigration processes are of concern and benefit both to the United States and to the immigrant, it is essential that reasonable and adequate review practices be established.

4. There should be one governmental agency to control both the issuance of visas and the admission of aliens.

5. Once a person has been admitted for permanent residence to this country, he should not be deported unless his entry was based on fraud.

6. Distinction between naturalized and native citizens should be abolished, except where fraud in obtaining citizenship is proved.

We wish to take up each of these points in turn and elaborate on the reasons why we believe them essential to a proper policy for the country and also detail some of the practical means of applying them.

Point I. Elimination of the national origins system and an increase in the total number of immigrants to the United States

There has been voluminous testimony before this Commission illustrating the fallacious and vicious nature of the national origins system, which is based on an outmoded racist theory. We won a war to prove this very point. The national origins system flatly and clearly says that a person born in England is 60 times more valuable to the United States than a person born in Greece. But no one would dare try to prove it.

The national origins system contradicts the basic principles of American democracy—that an individual should be judged only by his individual worth and merits, and not where he happened to be born, a fact over which he had no control. The truly contradictory and almost ridiculous nature of the system is best exemplified by the fact that a Britisher born in Greece is chargeable to the Greek quota, and the Greek quota is small on the theory that Greeks are less assimilable than the British. This system is a malignant growth which must be rooted out. Paring it down is no cure. Any substitute based on the national origins system must remain discriminatory, undemocratic, and a chalice on the body politic.

Many persons have expressed a dislike for the national origins system, but they also asked, "What is the alternative?" There are several possibilities, but we wish to describe the one which we consider most simple, effective, and workable.

The United States has in the past benefited from the immigration of substantially larger numbers than are permitted entry under existing laws. Our capacity to absorb new immigrants is much greater than any present or contemplated levels of immigration, as attested to by the statements of various demographers and experts in the employment field. We believe that the number of persons to be admitted should be based on the ability of our country to absorb additional immigrants and on our expanding economy needs.

In the decade immediately preceding the First World War, America absorbed an average of 1 million immigrants per year. During this same period, according to the 1930 census of the United States, the percentage increase in population from 1900 to 1910 was 21.0, while the increase of gainfully employed was 31.3 percent. It is similarly interesting to note, according to the 1940 census, that the 10 States with the highest percentages of foreign-born also had the highest per capita income—an average of \$733 per capita, while the 10 States with the lowest percentage of foreign-born had an average income of only \$313.70.

The United States needs and can profit from a greatly increased immigration. We believe that a proper floor would be in the neighborhood of 300,000 which is approximately two-tenths of 1 percent of our population, or a ratio of 1 new person to every 500 residents of the United States.

The setting of any maximum ceiling figure should be undertaken by Congress, in such a manner as to permit flexibility according to variations in our ability to absorb larger numbers.

We suggest the appointment of a bipartisan Commission by the President, with the approval of Congress, representing economic, welfare, and Government interests. Such a Commission would have a continuing responsibility to study the situation and to set the number of quota immigrants admissible on a periodic as-needed basis, using a sliding scale between the minimum floor and the maximum ceiling set by Congress. Domestic and world-wide factors would be taken into account in establishing such ceilings.

A. Allocation of quota.—Once the total quota has been set for a given year, the problem of allocation arises. Only a simple mechanism is required. It has been traditional for the prospective immigrant to register his interest in immigrating, with the American official nearest his home, a useful practice and one which should be continued. In the future, as in the past, all persons desiring to immigrate as quota immigrants should be required to register with a United States official.

The present nonquota category should be retained. In determining allocating quota numbers, the following preferences should be made:

- (1) Family reunion of fireside relatives.
- (2) Family reunion to the third degree of consanguinity (a formula used under the DP Act).
- (3) Persons of distinguished skill and merit, such as eminent scientists, recognized artists, etc.
- (4) A set percentage within the preference category should be allocated by the Commission on the basis of the foreign-policy needs of the United States and special emergency needs throughout the world. Such a provision would take care of crisis situations; for example, persons who must flee from persecution—religious, racial, or political.
- (5) After the above preferences, all immigrants remaining should receive their visas in accordance with the date of their registration with an American official, on a world-wide basis of "first come, first served." This incorporates present practices but eliminates the assignment of persons to a specific quota.

This would eliminate the tragedy that occurs now when an escapee from Hungary registers at the American consulate in Germany and is told that he may have to wait a decade to immigrate, whereas an escapee from Czechoslovakia

registering the same day may reasonably expect a visa as soon as his papers are cleared. This is pure accident due to the fact that Czech quota numbers are more available at this time than Hungarian quota numbers.

Points 2 and 3. Revision of standards of admission and review procedures to give fair and humane treatment to the alien while safeguarding the interests and security of the United States

Immigration procedures should acknowledge the fact that immigration is mutually beneficial to the United States and to the prospective immigrant. The principle of selective immigration should be realistic, rather than anachronistic, as it is now.

Our present law shows a basic distrust and fear of the alien which is neither reasonable nor justifiable. There can be agreement on reasonable standards to prevent the admission of such persons as habitual criminals, and so forth, and to preserve the security of the country. At the same time, these standards should also provide for recognizing the principle of reformation. This principle, basic to all religions, to law, and to our social sciences, is negated by our current immigration laws which do not accept the philosophy of reformation of character.

In small measure, the law does recognize the reformation of so-called subversives if they have openly departed from this thinking 5 years before their application for admission. There is no recognition, however, of the possibility of reformation of the person who may have come in conflict with the law in his home country; a person for example, who, years ago, committed a crime involving moral turpitude—i. e., an intentional and willful criminal act—is forever barred from immigration to this country, although he may have been an upright citizen for years and long since have paid the penalty for his indiscretion.

Fair, humane, and equitable standards should be applied not only to the issuance of visas but to exclusion at the time of entry. At the present time, there is no formal provision for appeal from the decision of a consul in refusing to grant a visa. While it is true that the alien's American sponsor may request the Visa Division to make an informal review, the Visa Division can only seek to request the consul for his version of the denial. It is also true that in many instances, if the matter comes to the attention of the Visa Division, a correction may be made. Nevertheless, the fact remains that, according to present practice, the consul still has the final right to reject or to grant a visa. The Visa Division may not direct the consul in any specific case as to the action he must take.

It has been previously suggested that it was important to have formal review or appeal procedure on the denial to issue a visa. It was contended, in opposition, that the prospective immigrant has no standing or right in relation to the United States; hence, no provision can or should be made for an appeal. While the immigrant may not have such a right under the current law, there is nothing to prevent Congress from bestowing such a right upon the prospective immigrant.

When we consider that the immigration is important not only to the immigrant and the country but also to the American relative or sponsor, the picture gains proper perspective. The denial of a visa in a specific case deprives the prospective immigrant, the United States, the family, the sponsor. An adequate appeal and review procedure would at least insure that the denial was equitable.

Such a review procedure would be based on a right of appeal by the American sponsor, which might include the relative, the employer, or the American voluntary agency interested in the particular case. The review procedure could be with a review board set up within the body administering the issuance of visas.

We are not desirous of instituting an appeal procedure which will be purely dilatory in nature or a waste of taxpayers' money. We do, however, believe that, as in any other administrative agency, reasonable and adequate administrative appeal procedures can be set up to make sure that the law is being properly administered and that no injustice is being done. We also believe that there should be recourse to the courts, where justified and practicable, in the same way that there is recourse to the courts where other administrative bodies have abused their discretion.

The agency responsible for the issuance of visas should, in addition, review rejections of visas from time to time, even though no formal appeal is taken, in order to assure uniform interpretation by all its field agents. This is the kind of sound administrative practice which any well-administered body under-

takes as a method of supervision and in an effort to determine whether its policies are being properly interpreted and implemented.

Point 4. Establishment of one Government agency to control the issuance of visas and the admission of aliens

The benefits of any law, no matter how perfect, can be destroyed by ineffective administration. At the present time, the administration of the immigration laws are divided between the State Department and the Justice Department. There has been no uniform interpretation of the laws and regulations between these departments. Each department decides for itself what action to take in any particular case. Thus, the American consul may issue a visa to an alien while, on the basis of the same facts and circumstances but under a different interpretation, the Immigration Service can exclude him. There may even be a difference of opinion within one agency of the Government. The Public Health Service abroad may certify a person as admissible to the United States, but upon his entry to the United States the Public Health Service at the port of entry may decide his condition makes him inadmissible.

Under the DP Act, where three Government agencies were charged with the administration of the law—the DP Commission, the INS, and the Visa Division—there were often as many different interpretations of the same law. Even in cases where the Board of Immigration Appeals has made a ruling in a particular set of circumstances, the Visa Division is not of necessity bound by such a decision to issue a visa.

At the present time, the American consuls abroad are vested with absolute individual discretion to grant or withhold a visa. On the same set of facts and circumstances, one consul may decide to issue a visa, while another may decide to refuse it.

We therefore propose the establishment of one independent Government agency to be responsible for issuing visas and also for the admission of aliens. The Hoover Commission on Organization of the Executive Branch of the Government, in a report on foreign affairs in January of 1949, recommended that the visa-issuing functions of the Department of State be transferred to the Department of Justice. The report stated that there was an unclear division of authority between the two which could be resolved by a merger of functions. While we agree with the Hoover Commission that the visa-issuance functions and admissions of aliens should be under one agency, we do not believe that the agency should be either the Justice Department or the State Department.

The State Department's basic function is the foreign policy of the United States. It is concerned with world-wide problems in foreign affairs, and the visa function is only one small part of its responsibilities. Visa issuance is handled by American consuls who have numerous other duties to perform. Similarly, the Immigration and Naturalization Service is only one small function of the Justice Department, which is concerned mainly with the enforcement of all our laws.

The advantages of one independent Government agency which would concern itself exclusively with the administration of our immigration laws are obvious. A complete uniformity of interpretation could be achieved. Once an alien received a visa, he would be admitted to the United States unless certain conditions might have changed between the time of issuance of his visa and the time he applied for admission. There would be uniformity of procedure and interpretation among the personnel issuing the visas. Since the particular official issuing visas would be concerned only with that function, he could become better trained and more expert, with a resulting improvement in the handling of the issuance of visas and expediting the entire immigration process.

At the present time, the American consuls lack sufficient personnel to handle the volume of visa applications. At many consulates, even in cases where persons are entitled to nonquota visas or are chargeable to undersubscribed quotas, there is a long wait before a visa can be issued. In some consulates there is only one person assigned part of the time to handle visa applications which may run into thousands. It would be of paramount importance, therefore, that a new agency be adequately staffed.

Point 5. No person admitted for permanent residence should be deported unless entry was based on fraud

Our entire concept of deportation needs rethinking and redefinition. It is now used as a form of punishment, based on the medieval idea of exile and banishment. Deportation frequently punishes the innocent, as well as the "guilty." Members of the immediate family of the deportee may even suffer greater hard-

ships than the deportee himself. We are strongly convinced that our immigration laws must begin to reflect the modern social concepts by which we live. We believe that an alien who does wrong should be punished for his wrong, but in the same way as a citizen. The punishment, however, should fit the crime without the added penalty of banishment. Once a person is admitted into the United States for permanent residence, he should have the privilege of remaining in this country unless it can be demonstrated that his immigration was based on fraud.

Our present laws assume that an alien should be held to higher standards of conduct than the native-born, and are based on the concept that an alien is admitted here on "probation." Such concepts are harmful to everyone concerned, and benefit no one. There is no reason why the alien, once admitted into this country for permanent residence, should not be made welcome and be treated like everyone else in the eyes of the law. The process of adjustment and integration into the life of this country is a twofold one in which citizen and newcomer both contribute and gain from each other. Our deportation laws today, as embodied in Public Law 414, are a further retreat. Conditions which were not previously a basis for deportation at the time the person entered the United States, may now be applied retroactively to become a basis for his deportation.

Take, for example, a matter which has been of great concern to this country for some time, although not in particular in relation to aliens. Suppose a youngster of 14 is admitted to this country with his parents. He goes to the neighborhood school, becomes a member of the community, makes friends with other boys his age. Unfortunately, there has been some drug peddling in the neighborhood and the school itself. This youngster becomes a victim, along with other young people in the school. It is a tragedy for all the parents and the community as a whole, but a special tragedy for the boy and his parents. He wasn't a drug addict when he came to the United States; he didn't become one because he was an alien. But he did have the misfortune to land in a particular neighborhood and among a particular group of impressionable youngsters who started him off on the wrong foot.

What happens to the American youngsters? Hopefully, they are cared for and cured and will take their rightful place in the community later.

What happens to the alien youngster? Under the present law, he must be deported, since Public Law 414 has made mere drug addiction a basis for deportation.

Nothing has been solved by his deportation and by the extra punishment thus meted out to him and his law-abiding parents.

This is merely one illustration of the unfairness and tragedy of deportation on the basis of conditions arising subsequent to the immigrant's arrival. Deportation is a penalty, a very serious penalty which must not be lightly exacted. Certainly, problems such as those raised by the Kefauver Crime Investigation Committee will not be solved by deporting a few aliens and we only delude ourselves by seeking to take this easy way out. Wrongdoing must be promptly punished, and the social conditions which may have contributed must be corrected, but the punishment should be impartial.

Point 6. Distinctions between naturalized and native citizens should be abolished, with the exception of fraud

The spirit of democracy and of our Constitution is violated by any distinction between native-born and naturalized citizens. Such distinctions should be eliminated from our immigration laws.

Immigrants have often been described as the country's "adopted" children. Agreeing with this definition, we also agree that it is right to check on the "child" to be sure that he is adoptable. Proper precautions can be taken, as previously described, in immigration and naturalization without violating humanitarian and ethical standards. Once the check has been made, we urgently stress the desirability of a true and final adoption, always, of course, providing that there has been no fraud involved.

Our "adopted" child then truly becomes a member of the family. He works; he pays taxes; he contributes to private social welfare; he is a member of the PTA; his children belong to the Girl Scouts and to the Boy Scouts; he becomes a member of the church of his faith. He is expected to be concerned and to worry about persons less fortunate than himself, both here and overseas. He is then subject to a 5-year testing period to see whether the privilege of becoming a citizen should be bestowed upon him. With citizenship he takes on additional responsibilities.

He must serve as a juror; he has the responsibility of voting and helping in the elections of our representatives. With citizenship he gains the privilege of obtaining a passport to travel. He has the protection of this country, his country now. He deserves to be given this continued protection and to be treated in every regard like other citizens.

Judge LEVINTHAL. If there are any questions I would be very happy to answer them.

Commissioner HARRISON. Judge, do you think in order to get the full benefit of what you refer to as greater uniformity in interpretation, if you were to have a separate independent agency for the issuance of visas that it would be necessary to have that highly centralized?

Judge LEVINTHAL. I should think you would to have it at the top—

Commissioner HARRISON. The applications, you say, would continue to be received in the various countries through the consular offices. Now, how would you visualize the operation from that point on in order to provide the benefit of great uniformity?

Judge LEVINTHAL. As I understand the proposal, it wouldn't be the consul who would receive these applications. It would be officials designated by this independent agency. They might have their offices in the consulate, of course, but they would not be responsible to the State Department. They would be responsible to this independent agency. They would make a report to the agencies and they would have to give their reasons for rejecting applications, and there would have to be clearing of those reports from time to time. In that way there would be uniformity.

If the people in Washington would see that on the very same facts a representative of that agency in Munich rejects an application for a visa whereas another man on the very same facts receives one in Frankfurt, they would know there is something wrong; that they have to make a regulation that would guide all consuls. Where you have a lack of uniformity, of course, you must have injustice.

The CHAIRMAN. Would you not set up another group of officials throughout the whole world?

Judge LEVINTHAL. No. You have those officials now, only now you would divorce that function from the consul and give it to a man who would be designated by this independent agency, and he would do that and that alone instead of having it done by the consul who has to do many things today. So it wouldn't cost more in the long run.

The CHAIRMAN. Wouldn't it? If you divorce this function from the consuls you would have to appoint somebody else to carry out—

Judge LEVINTHAL. Yes, but we have more than one consul in all of these communities.

The CHAIRMAN. But there are a lot of places throughout the world where you don't have more than one.

Miss PETLUCK. I would say that in large countries where they have a large consular staff, that some are doing virtually nothing but immigration work. That was true in Germany and Austria and what you found in the administration of the Displaced Persons Act. There was a representative of the Immigration Service overseas, a representative of the consular service, a representative of the Public Health Service, and a representative of the Displaced Persons Commission all working in an attempt to facilitate and move the DP's here faster.

The CHAIRMAN. That was a special problem that they had a time limit on, but how are you going to run the immigration—

Miss PETLUCK. We tried to learn from that experience. Some of this check and double check or need to spend time as to whether this Service is interpreting it the same as the other Services would be eliminated if you had it all in one Service, so that if there is a ruling it will apply equally to visas and admissions at the port of entry.

The CHAIRMAN. I would like you to explain to us how, where, and whose duty it would be to handle appeals such as you have proposed so as to have a practical administrative system.

Judge LEVINTHAL. Within the agency.

The CHAIRMAN. We have heard from various witnesses much criticism of the present system and the absence of an appeal procedure, but we are also interested in hearing what you would propose be done about it in practical terms. For example, are you proposing that an applicant in a foreign country be given the right of appeal, and if so, where would he send it? How would it be processed?

Judge LEVINTHAL. Well, Mr. Perlman, he has no right to appeal. We admit that we concede the would-be immigrant should not have the right to appeal. But if there is an American sponsor or somebody living in the United States or a voluntary agency which is willing to sponsor that applicant for admission to the United States and if the regulation provided that costs should be deposited by the appellant so there wouldn't be any loss to the taxpayer to cover all possible expenses of such appeal, why shouldn't there be a provision for an appeal of an arbitrary action of an administrative official. It is foreign to our entire system of jurisprudence.

The CHAIRMAN. I am still interested in hearing how you would do it, assuming for the sake of our discussion that it were desirable.

Judge LEVINTHAL. Under the present law it cannot be done because there is division and duplication of responsibility and authority. It is a basic premise of this new suggestion that there be one independent agency despite the difficulties that are envisioned to the establishment of an independent agency. There are these compensating advantages. Dealing exclusively with visa issuance and admission to the United States, there would be one or two or three appellate bodies of five or seven men to review these appeals. We did it with courts martial during the war. We had an appellate body.

The CHAIRMAN. Yes, but we are not thinking about a war: we are thinking of a permanent immigration policy of the United States.

Judge LEVINTHAL. This is a war against injustice, which is a very serious war.

The CHAIRMAN. But we are concerned with permanent policy and permanent organization, and if you state the present immigration system is in your opinion unsatisfactory, we are interested in hearing what you would substitute that is reasonable and practical.

Judge LEVINTHAL. I feel that immigration is going to be a continuing problem, just as it was throughout the life of our Nation. I don't think you can deal with this as an emergency thing for 3 or 5 years.

I think in dealing with long-range policy there should be a permanent long-range agency responsible to the President.

The CHAIRMAN. How are you going to handle these appeal cases?

Judge LEVINTHAL. Appeals should be permitted to be taken. It has just been pointed out to me that theoretically you can take appeals

today for every exclusion or deportation decision, yet you know there aren't such a tremendous amount of appeals.

The CHAIRMAN. There are a great many of them and perhaps the reason there aren't more is that the hands of Government sometimes have been tied for many years because they can't always deport the people to the countries that they are required to deport them to under existing laws, so that the issue isn't raised as frequently as it otherwise might be. But that occurs here in this country. Also, when you exclude them at the port of entry.

Judge LEVINTHAL. Under the DP Act they also kept them out overseas.

The CHAIRMAN. You are talking again about an emergency law, and I am talking about a permanent act.

Commissioner O'GRADY. I would like to ask Miss Petluck her understanding of section 203 (a) (1) of the new act, and its relation to section 212 (a) (14)?

Miss PETLUCK. Well, as I have analyzed section 203 (a) (1), which deals with the so-called first preference, it would appear to me that if the phraseology—

specialized experience or exceptional ability of such immigrant to be substantially of benefit prospectively—

those words must mean persons of particular skill; otherwise, I wouldn't understand what those words meant. I do differentiate those from other proposals, such as under the DP Act where you had a specific contract as such.

As I also understand this section in relation to 212 (a) (14), this would not apply to that particular category; 212 (a) (14) is the permissive clause which permits the Secretary of Labor to certify in a particular community on a particular skill that there is an excess of labor in the country. It would not, however, apply to the first-category cases or to the so-called 30 percent, which is the reunion of families or to any of the so-called family reunion cases. It would apply to anyone who was not coming to this country within a priority or preference, to the so-called general nonpreference quota immigrant.

Now, translating that back again, we theoretically have an elimination of contract labor clauses. You still have a retention of principle, that if labor is in excess in a given community for the nonpreference groups that they might be prevented from immigrating here.

As we tried to read section 203 (a) (1) taking all these phrases together and trying to give them some meaning, it sounded as if this was for the use of persons of particularly great skill. As a matter of fact, we in our own minds paraphrased it as the highly skilled section, thinking in terms of scientists or professors who have no nonquota status and who definitely are included, and artists of particular merit or anyone who has already demonstrated skill. That is what I would say, as I read it.

The CHAIRMAN. Thank you very much.

Judge LEVINTHAL. Thank you.

Is Mr. Engel here?

STATEMENT OF IRVING M. ENGEL, REPRESENTING THE AMERICAN JEWISH COMMITTEE AND THE ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH, ACCOMPANIED BY SIDNEY LISKOFISKY

Mr. ENGEL. I am Irving M. Engel, chairman of the executive committee of the American Jewish Committee. I am accompanied by Mr. Sidney Liskofsky, and represent the American Jewish Committee and the Anti-Defamation League of B'nai B'rith.

I have come here with a prepared statement, Mr. Chairman, but in view of the fact that some of the things in that statement have already been said and in view of the lateness of the hour, I assume I will have permission to put in the record this statement and comment on it orally and make some remarks.

The CHAIRMAN. You may do so.

(There follows the prepared statement submitted by Mr. Irving M. Engel for the American Jewish Committee and the Anti-Defamation League of B'nai B'rith:)

Mr. Chairman and members of the Commission, the views on American immigration policy of the American Jewish Committee and the Anti-Defamation League of B'nai B'rith were presented to you by Lester Guterman at your hearings in New York on September 30. I appreciate this opportunity to supplement some of the views contained in our earlier statement.

As we pointed out in our earlier appearance, Jewish groups in this country—because of the Hitler holocaust and because of the creation of the new State of Israel—are not special pleaders who seek to encourage immigration so that their fellow religionists abroad can come to this country. Their concern with our immigration laws and policies stems from a desire to strengthen our democracy and to eliminate from our laws and policies all provisions which contradict our democratic principles. The proposals we have advanced and are now advancing stem from our desire to strengthen democracy not only in our country but throughout the world, and to achieve immigration policies which in the long run will most benefit our own country.

In our earlier statement, we declared our conviction that the national origins system must go. In the course of your hearings in various parts of the country, as the press has indicated, this same conviction was asserted by many groups of all kinds. Some of these groups advanced various suggestions as to the arrangement that might be substituted for the national origins system.

Undoubtedly, most of these proposals have advantages as well as disadvantages. It may be difficult, even impossible, to find a perfect substitute for the national origins system—one acceptable to all groups and having no serious problems of administration. But even if no perfect substitute can be devised, we are convinced that many of the proposals advanced are better than the present system. We are convinced that with imagination and a will to make these substitute proposals work, the various objections raised, particularly in regard to administration, can be successfully overcome.

We believe that public opinion is favorable to a reconsideration of the national origins concept itself, and we hope that the Commission will not merely consider how to make the impact of that concept less inequitable, but will also seriously consider proposals to cast it away altogether.

I should like briefly to sketch for you the proposal that the organizations on whose behalf I speak believe, after prolonged consideration, most promising. An outstanding feature of our proposal is that it would provide flexibility with regard to the over-all number of quota immigrants to be admitted each year.

I should like to recall to the Commission the fact that our present immigration law has flexibility, too, but a one-side flexibility—in favor of exclusion.

Even before the McCarran Act, our immigration code permitted the President to suspend immigration in times of war or national emergency. The McCarran Act enlarged this authority to empower the President to suspend or curtail, at will, the immigration "of any aliens or any class of aliens" if he finds their admission to be detrimental to the interests of the United States. Thus the power to shut off immigration, which had previously been limited to periods of war and national emergency, is now available for use at any time.

Neither before nor after the McCarran Act, however, did our immigration law allow flexibility to enlarge the number of admissible immigrants to provide for emergency situations that tend to arise periodically in this uncertain world of ours. Today, for example, we can handle emergencies such as that arising out of the continuing flight of refugees from behind the iron curtain, only through the slow and difficult process of Federal legislation.

We propose, therefore, the establishment by law of a National Immigration Policy Commission whose members would be appointed either by the President with the consent of the Senate, or by the President jointly with both Houses of Congress. This Commission would be charged with making a continuous study of demographic and economic trends in our own country, as well as of political and social conditions in other countries. The Commission would take into account the employment and general economic situation in our own country—existing levels as well as long-range trends and tendencies. The conditions in other countries would be studied with particular reference to their bearing on our foreign policy. The Commission would consider how great is the demand and need for new homes by refugees and homeless persons abroad, how admission of persons to our country would aid in rehabilitating the bastions of democracy abroad, how it would demonstrate the good faith of our efforts to strengthen democracy throughout the world and to raise the world-wide level of economic well-being, and how it would serve to reunite families in our country.

The Commission would then set the maximum number of immigrants to be admitted to our shores each calendar year, or over a period of years. In so doing it would be required by law to set a maximum number not lower than two-tenths of 1 percent of our total population, nor higher than four-tenths of 1 percent of our total population. The maximum fixed by the Commission would represent the highest number of immigrants our country could and should absorb in a particular year. The number chosen would be in addition to those who come from the Western Hemisphere, who are not subject to any numerical limitation under existing law. This exception, which was based on the good-neighbor policy, is more highly desirable now than ever and should be maintained.

Having established a desirable maximum number of immigrants to be admitted in a particular period, how should the available visas be distributed? Previous law contained a system of preferences based on the applicants' relationship to American citizens and resident aliens, and on possession of an agricultural skill. The McCarran Act modified these preferences to a considerable extent. The Humphrey-Lehman bill favored yet another scheme of preferences, which it applied to its proposed scheme for polling unused quotas. This proposal was that 25 percent of the available visas within the quota pool should be allocated to three preference categories based, respectively, on the principles of family reunion, domestic economic need, and refuge to persecutees—the remainder to nonpreference cases.

If I may digress for a moment, I would like to comment on the principle of basing admissibility on the possession of special skills. As democrats and humanitarians, we have serious doubts about such a criterion. We believe that supporters of this policy tend to classify the immigrant as an economic commodity and to lose sight of the human side of immigration. A person admitted because he has some needed skill is under pressure to work at that skill, regardless of other more desirable opportunities he may have. By this device we reintroduce into our law the concept of contract labor which has long been repudiated as inhumane and un-American. Hence, we suggest that this criterion, if used at all, be used with circumspection and surrounded with safeguards to prevent administrative abuse.

We believe that the preference system in the Humphrey-Lehman bill is a model that might be adapted to our proposal. The terms of reference given by Congress to the Commission could define these preference categories but leave to the discretion of the Commission the fixing of the percentages to be assigned to them. As is provided in the Humphrey-Lehman bill, the unused portions of any of the preference categories should be available to any of the other preference categories, or to immigrants without any claim to preference.

We come now to the question of how visas should be distributed within the several preference categories. Our belief, the result of long consideration of this question, is that these visas should be assigned to immigrants, without regard to their national origin or place of birth, on the basis of the provocatively simple, yet just and American principle of first come, first served.

It is in regard to this latter suggestion that objections about practicability have been raised. We feel that these objections are unjustified and stem from bias against the type of immigrants who may come in rather than from any inherent difficulties in our proposal. Indeed, we ask, is not the principle of first come, first served applied to the distribution of visas within each national quota under the present system? The Visa Division manages successfully to process the applications for visas that come from applicants born in particular countries but scattered throughout the world. Similarly, it should not be too difficult to work out a system of applying the first come, first served principle on a world-wide basis.

Nor are we shocked by the suggestion that such a system could result in the bulk of immigration in a particular year coming from Asia or Africa, if there should be a large and early registration of persons from such regions. In the first place, we do not consider this to be a reasonable fear. The cost of immigration, the requirement of affidavits of support, the minute number of relatives of persons of those regions presently in the United States, the literacy, health, and other requirements, would undoubtedly operate to keep immigrants from those countries at a minimum. The alarmists tend to forget that though immigration from Latin America is quota-free under present law, the number of immigrants who come to this country from that continent is relatively inconsequential.

More important, however, we do not share the fears—based on conscious or unconscious racial bias—of an increase in the number of immigrants from those parts of the world. We judge the desirability of persons not by their race or national origin but by their individual worth.

Finally, every applicant will continue to have to meet all of the various personal qualifications set forth in the law, relating to health, literacy, moral character, loyalty, and so forth.

We believe that a plan based on these ideas would be vastly superior to the present national-origins system. It would have the great advantage of flexibility, thus enabling us to adapt our immigration policy to meet new situations throughout the world, and it would make the true interests of the United States the determining factor in our immigration policy, rather than the doctrine of racial superiority, which is the basis of the present system.

DEPORTATION

I turn now to deportation. Over recent decades there have been many deportations of alien residents whose stay in the United States was believed to be against the public interest. We believe that the impact of deportation upon a resident alien and his family has received far too little consideration. It can hardly be denied that among the evils that may befall a person, deportation is one of the most disastrous. It is not accidental that in medieval times the punishment of banishment was regarded as one of the most severe punishments, second only to the sentence of death. In describing the effect of deportation on the person affected, one could hardly find more appropriate words than those used by Mr. Justice Douglas in a recent case, when he said:

"Banishment is punishment in the practical sense. It may deprive a man and his family of all that makes life worth while. Those who have their roots here have an important stake in this country. Their plans for themselves and their hopes for their children all depend on their right to stay. If they are uprooted and sent to lands no longer known to them, no longer hospitable, they become displaced, homeless people condemned to bitterness and despair."

Certainly, deportation is a much harder "punishment"—to use the word in the nontechnical sense—than, let us say, a fine of \$50 or imprisonment for a few days. But while the procedure to inflict even the slightest fine or the shortest term of imprisonment is surrounded by an elaborate system of safeguards to insure justice and fair treatment of the accused, no similar protection is granted to the person threatened with an order of deportation. Furthermore, deportation not only affects the person directly involved, but generally creates most trying conditions of hardship for his wife and children and other dependents.

It has been suggested that only those aliens who obtained admission to this country by deliberate fraud should be deportable and that in no other case should deportation be permitted. An alien, once admitted, should be free to live here on the same basis as all others without subjecting himself to possible banishment if he makes a misstep. We believe that there is much merit to this position, especially in view of the growing tendency to use deportation as a means of punishing aliens doing unpopular things, who have committed no violation of criminal law and cannot, therefore, be tried for crime. If an alien has committed a crime he should be subject to the same criminal sanctions as are citizens and should not, solely because of his status as alien, merit the additional severe punishment of banishment for life. We cannot accept the reasoning that an alien who has engaged in criminal activities should be sent back to the country of his birth. Rather he may well have committed his crime because of what he learned or pressures he was subjected to here in our country. Criminality as an inherent trait has long been repudiated by psychologists and criminologists.

We realize that this point of view is likely to meet with great resistance in many quarters. The theory that the alien possesses a tenuous and inferior status is deeply ingrained in the thinking of many persons. We would therefore urge, at the very least, that deportation be recognized as a drastic punishment which may be tantamount to imprisonment or death and which, therefore, should be used with circumspection and with due regard to the interest of all individuals involved.

We therefore recommend, first, that in any future law only those situations should be declared grounds for deportation where the interest of the United States clearly requires deportation. Many grounds for deportation contained in the present law do not stand this test. This is particularly true of some of the grounds for deportation newly introduced into our law by the McCarran-Walter Act, enacted earlier this year. For instance, an alien can now be deported who fails to notify the Attorney General of a change of address within 10 days, unless he can establish to the satisfaction of the Attorney General that such failure was reasonably excusable or was not willful. There is no need to elaborate on the drastic character of this provision which throws an alien, once he has allowed the 10-day period to pass, at the mercy of the Attorney General.

Secondly, we believe that the penal nature of deportation requires that deportation proceedings be surrounded by all the constitutional and statutory safeguards available to those involved in criminal proceedings in the traditional sense. Thus, for instance, the United States Constitution prohibits *ex post facto* legislation. This prohibition under present interpretation of the law does not apply to deportation, since persons can be deported for acts which were not grounds for deportation when they arrived in the United States.

THE PRINCIPLE OF REDEMPTION

Basic to our laws and ethics is recognition of the principle of redemption through repentance and reformation. Our immigration laws, however, ignore this principle. A person once deportable is always deportable regardless of how many years he has lived in this country as a law-abiding resident. Thus a misstep of an alien, committed perhaps many years ago, marks him as a pariah who for the rest of his life must be in constant fear of being torn from his family and deported to a country with which he has lost all connection. The inhumanity of this situation has been recently illustrated by the case of a textile worker in New England who in 1934, as a young man, joined the Communist Party during a textile strike and paid nominal dues for a period of 4 months under the impression that the party's sole aim was union organization. Although he withdrew from the Communist Party soon after, in 1952 he was ordered deported under the Internal Security Act on the ground of his admitted past membership in the Communist Party—this, although he is the father of two sons who fought in the American Army in World War II and has for years been a law-abiding person loyal to our country.

This treatment of reformed members of the Communist Party is not only inhuman; it is also, I submit, bad policy. Former Communists have been a most valuable source of information in exposing the evil policies and practices of the Communists. Such information has helped our law-enforcement agencies to maintain an effective control over the Communists and to counteract their every effort. Should we not rather encourage defections from the Communist Party by resident aliens than treat such defections as having no effect whatever on the deportability of the person concerned? Our present system tends to make every person in such situation a prisoner of his evil associates, thus

depriving us of the opportunity to wean mistaken converts to totalitarianism back to democracy.

The present law recognizes the possibility of redemption in the case of aliens seeking admission. It provides that past members of a totalitarian party may be admitted if since the termination of membership they have been for at least 5 years actively opposed to the doctrine of such party, and if their admission is in the public interest. Furthermore, the possibility of repentance should also be available to aliens already here. It is illogical to give recognition to this principle in the case of aliens seeking admission but not in the case of aliens already here. The injustice of this is the more apparent since in many cases persons became associated with the Communist Party at a time when its true nature was much less a matter of public record than it is now.

We would like again to emphasize the fact that the present immigration legislation is based on a principle which is completely contrary to our system of justice. It leaves the decision as to whether a person qualifies for immigration to the absolute discretion of the United States consuls abroad without any possibility of appeal. No administrative official should in a democratic regime based on the rule of law rather than on the rule of men have the sole and final say in matters which may be of life-and-death importance for the applicant. Consuls for whom in many cases the issuing of immigration visas is just an incidental job should not have this power to grant or deny visas without any right of appeal from their decision. There is no reason why an opportunity for appeal should not be given in cases where decision to refuse admission is made by the American consul abroad. The establishment of a Visa Review Board to which persons denied visas by an American consul, or at least American citizens interested in their immigration, may appeal is not only in the interest of the alien but in the interest of our country and our judicial system. No official should have arbitrary power without being subject to proper review.

STATUTES OF LIMITATIONS

May I refer now to another aspect of our immigration and naturalization laws which we consider undesirable. That is the tendency to eliminate statutes of limitations against deportation and denaturalization. The purpose of statutes of limitations, consistent with our basic concepts of order and justice, is to prevent wrongs long dead from remaining forever a festering sore. If after a number of years time has healed the wounds occasioned by some violation of the law, it would be most undesirable to upset the matter afresh by tearing open the old wounds. The statute of limitations is a declaration of policy that it is desirable to forgive and forget wrongs done long ago and that failure to do so can serve only to keep alive old sources of disorder and breaches of peace. It is a statement that except in the case of the serious offense, such as murder, society will after a time be better off letting dead issues rest. It is also a recognition that with the passage of the years it becomes difficult or impossible for truly guiltless persons to assemble the evidence necessary to establish their innocence.

Yet, now we find added to our immigration laws a denial of this basic principle through undue lengthening or complete elimination of statutes of limitations on deportation and denaturalization. This is a retrogressive step and should be corrected as quickly as possible. A person technically deportable who has lived a law-abiding and peaceful life in our country for many years, thereby demonstrating that he can be a useful and productive member of the commonwealth, should not after those years be torn away from his family and banished simply because of some technical violation of the law which makes him deportable. Similarly, a person who has been a law-abiding naturalized citizen of our country for many years, should not because of some latent defect in his naturalization be compelled to give up his citizenship and possibly lay himself open for deportation thereby. He has passed the test of the years. Why not let the matter lie through an effective statute of limitations?

REQUIREMENT THAT APPLICANTS STATE THEIR RACE AND ETHNIC CLASSIFICATION

The whole racist tenor of our immigration laws is reflected in the new requirement of the McCarran Act that all prospective immigrants must state on their visa application their race and ethnic classification. As agencies which have long been fighting discrimination based on race, religion, ancestry, or national origin, we know that such questions on applications have often been used, and may be so used in the future, for purposes of discrimination. The racial or

ethnic origin of an applicant for admission to this country is relevant only to persons who mistakenly believe that such factors are in some way connected with the applicant's abilities or desirability as an inhabitant of our country. For that reason we have always been opposed to inquiries on application forms regarding race, religion, or national or ethnic origin.

Now we find that section 222 of the new immigration law requires every application for a visa to state the applicant's race and ethnic classification, leaving the clear implication that such characteristics are relevant to admissibility. This, we believe, is another injection of racism into our immigration law. It is a set-back in our progress toward democracy which has witnessed the steady elimination of such questions from application forms.

The inclusion of such potentially discriminatory questions is by no means the only undesirable aspect of the requirement. The act nowhere defines "race" and "ethnic classification," leaving this task to be handled by administrative regulation and thus introducing into our immigration laws another element of vagueness.

"Race" is a term which cannot be defined to the satisfaction of anthropologists, let alone for purposes of legislation and administration. Anthropologists insist that even efforts to classify individuals into the so-called five great races—white, black, red, yellow, and brown—are in fact, simply classifications by color of skin. And they say that even such classification is invalid because the gradations of skin color are such as to make it impossible to classify millions whose color of skin lies between groups.

Similar problems arise with respect to ethnic classification. Take, for example, the group to which I belong, the Jews. Haddon and Huxley, leading anthropologists, said in 1936, that "The Jews are not a race but only a people after all." They go on to say: "The Jews can rank neither as a nation nor even as an ethnic unit, but rather as a socio-religious group." Yet Coon, another leading anthropologist says in *Races of Europe* that "Jews form an ethnic group." Still another leading anthropologist, Melville J. Herskovits, says of the Jewish group: "Language, culture, belief, all exhibit so great a range of variation that no definition cast in terms of these concepts can be more than partial. Yet, the Jews do represent an historic continuum, have survived as an identifiable, yet constantly shifting series of groups. Is there any least common denominator other than the designation 'Jew' that can be found to mark the historical fait accompli that the Jew, however defined, seems to be? It is seriously to be questioned. A word can mean many things to many people; and no word, one may almost conclude, means more things to more people than does the word 'Jew.'" Science aside, there are many Jews who insist that Jews are not an ethnic group at all, but simply a religious denomination.

Anthropologists generally agree that "ethnic group" can mean any group with similar cultural attributes, and that there is almost no limit to the number of human groups who, taken together, constitute an ethnic group. For example, they say that persons of Puerto Rican origin in New York City may be regarded as constituting a different ethnic group from persons of Puerto Rican origin in Puerto Rico. Similarly, the French in Provence constitute a different ethnic group from the French in Normandy. Hence the term has so many meanings that it becomes meaningless. And the result is that the provision of law requiring such information is too vague to be applied. Justice Holmes has rightly said that a bad law may be preferable to a vague one. We believe this provision of the law to be both vague and bad.

In closing, may I thank you for the time you have allotted me and the organizations for which I speak. I am sure that the outcome of your deliberations will be a major contribution to immigration policy and that your recommendations will benefit our great country and strengthen democracy's hand in its struggle with aggressive totalitarianism.

Mr. ENGEL. I should like to make this statement: that you gentlemen gave us an opportunity when you were in New York in September to make a preliminary statement in which we gave the reasons why we are so strongly opposed to the McCarran bill, and particularly the national origins system. But we at that time were not prepared to make a final recommendation or definite recommendation as to what we thought should take its place.

So you gave us an opportunity to make a supplemental statement at this time, which is what I will now make.

I would like to start off, if I may, by referring to the rather exciting incident that occurred last week, the granting of a Nobel prize to Dr Selman A. Waksman for the discovery of streptomycin, the first antibiotic which has been discovered as a cure for tuberculosis. I mention that here because it has a direct connection with immigration, because if you had been on a dock on one day in 1915 you would have seen a family come to this country from the Ukraine and you would have regarded them as outlandish in appearance, with strange clothing, strange haircuts and foreign tongue and it wouldn't have occurred to us that anyone in this group would make a major contribution to the welfare of this country, in fact, the world. But that group included a boy called Selman Waksman. We admitted him and he was educated here and he showed an inclination toward sciences. He became a member of the research staff of Rutgers University. He made this discovery and he assigned the royalty to Rutgers so they could continue research in that field.

I mention that because it high lights the fact that immigration is a two-sided coin. I think we are too apt to think of it as being something that is advantageous to the immigrant, and certainly it is advantageous to grant to a person in a country where he is subjected to persecution and depression and no economic opportunity, a chance to come to this country where he breathes the air of freedom and has an opportunity to pursue the kind of life that his talents entitled him to.

I think we should also remember that immigration is a subject that also concerns America, not just the immigrant, and it is important to think of the cultural and economic and social contributions that the immigrants make, and I could give you dozens of other instances, maybe not as dramatic but still as important, where immigrants have contributed to our war effort and to our general welfare.

I think we should also remember that this has something to do with the soul of America. As Monsignor Swanstrom said, this country had its greatest development and highest opinion in mankind when it was really a haven for the oppressed. While nobody argues today that we should have unlimited immigration, we feel we should have as much immigration as we could absorb, and in granting visas there should be nothing that smacks of international doctrine of racism. We agree with those who have appeared today and who have earlier appeared who condemn the national origins system. It is fundamentally bad. It can't be made good. We should not, in our judgment, be thinking in terms of modifying it to make it less inequitable than it is.

On the matter of strategy I associate myself—and I am speaking for myself now—more with Monsignor Swanstrom when he said that we should direct ourselves toward eliminating the national origins system and substituting a new system rather than leaving that provision in our statute books and trying to work out temporary legislation to take care of emergencies that arise from time to time. I think that is sound strategy.

It was only last June when we were made sick at heart when we saw that the Congress, rather casually and really not understanding the provisions in this 300-page bill, passed the bill over the President's veto. We read that the present basic law had been passed in 1924 and more than a quarter of a century had passed before that could be

changed in any way, and the change when it took place was for the worse. We rather thought there would be another quarter of a century before we could get that bill changed.

Look what happened. As Americans we could rejoice in this. It shows what a really and truly democratic system we have. The American people began to sense that in this 300-page bill there were provisions which were contrary to the basic doctrines of American freedom, so without much leadership and without much direction there welled up a demand for its improvement, for the elimination of these unfair provisions. We get as a result the candidates, both candidates of one party which had not mentioned this subject in its platform, coming out categorically and condemning the McCarran bill and promising to do everything possible to amend it in the next session of Congress. We are beginning to see one Congressman and Senator after another who voted for the bill now coming out to excuse and justify and apologize for that action and promising to take a leading hand in amending it in the Eighty-third Congress. I think the time is ripe. We have got a movement that is on the way, and instead of saying it is going to take a long time to change this basic fundamental wrong and let's leave in this and do something about emergency legislation, I urge that we join in protest that something which is fundamentally wrong be allowed to stand and that we should be concentrating on the matter of getting a decent bill, a bill that doesn't violate American principles, a bill which Americans can be proud of and a bill that will help us and not hurt us in the current struggle to win the minds and hearts of mankind all over the world.

Now, with that I don't think that I want to go much into detail. We favor the formation of a Commission. We think that Congress should establish limits, a lower and an upper limit, and within that Commission they should be allowed to fix the amount of immigration to come in in one year. We suggest a minimum of two-tenths of 1 percent, which would be about 300,000 a year and about a maximum of four-tenths of 1 percent, which would be around 600,000. We think in times like these this country can readily absorb a level of immigration within those two limits. We think that preferences should be given certainly on the basis of family reunions and certainly on the basis of hardships and perhaps on the basis of skills. We have grave reservations on that because it is hard to keep it away from being contract labor.

Once fixed on that basis, we think two principles should be established: (1) that if those preferences are not filled the unfilled numbers should be assigned to other preferences or to nonpreference categories; (2) within the categories there should be no selection on religion or race or national origin, but on a first-come, first-served basis. There are those who say that has practical difficulties. On the present system that is the way we grant our visas. There may be people scattered all over the world, but when they apply their right to a visa it is based on the amount of the number allocated to that country. Of course, we would retain the qualifications as to health, loyalty, moral character, and education.

On the subject of deportation we agree with what has been said by Judge Levinthal, although we realize the perhaps lack of realism. Certainly deportation, if not technically a punishment, should be sur-

rounded by the same safeguards that we set up that might lead to fine or imprisonment. We believe in the principle of redemption; that when a man has been guilty of a wrong but has lived that down and has now shown that he is a decent citizen, that should not be held against him. We point out the inconsistencies that confront a man who applies for a visa outside of the country, and we take the principle of doctrine of redemption into account.

Time does not permit me to touch on all of this such as the retro-active features. Another thing very bad in the present law is the lengthening or elimination of the statute of limitation. The statute of limitation is a fundamental part of our system. There are two basic reasons for that: (1) the thought of letting bygones be bygones. When a thing has been committed and a certain number of years have passed there is no point in reopening the sore. Second, is having regard for the difficulty of one who may be innocent being charged with something that took place 10 years ago and being unable to get the witness and the proof to answer that charge. We think that principle should be applied in our immigration and naturalization laws as well as in the rest of our judicial system.

Then, another thing we bring up is this requirement that immigrants state in their visa applications their race and ethnic classification. No. 1, we are very fearful that the purpose—if that isn't the purpose of it, nevertheless, it will be treated as the purpose for denying applications where a person handling the application is so inclined.

No. 2, nobody knows today what is a race and what is an ethnic group. We can give you various definitions of that. Incidentally, we are having scientists and some anthropologists make a study of that. We are hopeful of having it completed so we can have it out before you submit your study.

Now, we associate ourselves with those who urge the establishment of some system of review or appeals. I am not an expert on this subject, but as you were asking the previous question, Mr. Chairman, it seemed to me a fairly obvious and, if I may say so, simple answer to your question. I would say for the most part of the applications made today they are made on an informal basis without a record, but if action is taken for granting or rejecting it that the Government in one case or the immigrant or the sponsor ought, on its own, call on the officer for a rehearing for the purpose of establishing a record. And at that rehearing they should have a record made just as we have in any administrative board in this country, and on that record the appeal could be taken by either the immigrant or his sponsor, on the one hand, or by the Government, on the other hand.

Now, that about covers the subject. We are very grateful to you for giving us this second chance for presenting our views. If there are any questions I would be glad to try to answer them with the help of Mr. Liskofsky.

The CHAIRMAN. Thank you very much, Mr. Engel.

When the study you mentioned you are having made concerning race and ethnic classification is completed, if you will submit it to us, it will be incorporated in the record at this point.

Mr. ENGEL. Thank you.

(The study referred to follows:)

STATEMENT SUBMITTED BY SIDNEY LISKOFSKY IN BEHALF OF THE AMERICAN
JEWISH COMMITTEE

THE AMERICAN JEWISH COMMITTEE,
New York, N. Y., November 20, 1952.

MR. HARRY N. ROSENFELD,
*Executive Director, President's Commission on
Immigration and Naturalization,
Executive Office, Washington, D. C.*

DEAR MR. ROSENFELD: In the testimony of Irving M. Engel, presented to the Commission at its hearings in Washington on October 28, he discussed briefly certain problems raised by the requirement in section 222 (a) of Public Law 414 that the immigrant in his visa application state his race and ethnic classification. At that time, he informed the Commission that the American Jewish Committee was studying the question more closely and hopes to submit to the Commission, in due time, a more detailed analysis.

This analysis, prepared after consultation with eminent sociologists and anthropologists, is contained in the attached document. We hope that the Commission, among the numerous other matters it is engaged in studying, will consider and have some recommendation to make with respect to this question.

A copy of this memorandum has been submitted to the Bureau of the Budget and the Visa Division of the State Department.

Sincerely yours,

SIDNEY LISKOFSKY.

IDENTIFICATION OF IMMIGRANTS BY RACE AND ETHNIC CLASSIFICATION IN SECTION
222 (A) OF THE IMMIGRATION AND NATURALIZATION ACT OF 1952, PUBLIC LAW
414

The problem of the classification of immigrants to the United States has always been a particularly knotty one because the terminology of classification is open to challenge. This is true of the most recent immigration legislation—the Immigration and Naturalization Act of 1952 (Public Law 414)—which in section 222 (a) demands of the prospective immigrant that he state his "race and ethnic classification."

The term "race" has long been used in our immigration legislation. As long ago as 1898, the office of the Commissioner of the United States Immigration and Naturalization Service ordered that the immigrant's race and religion be recorded—in addition to country of birth, country of last residence, and country of citizenship. Immediately the question arose as to what was meant by "race." The Commissioner apparently wanted to interpret the term in its broadest possible sense and he issued a checklist of not less than 50 different "races" or "peoples," ranging from African to West Indian. This listing influenced the content of the Dictionary of Races or Peoples (S. Doc. No. 662, 61st Cong., 3d sess.) which the Immigration Commission presented to Congress on December 5, 1910. The dictionary also provided the basis for classification under the Immigration Act of 1924, section 7b, which required that each immigrant state his race. With some modification, the Dictionary of Races or Peoples still serves as a basis for the classification of immigrants.

Both the Commissioner's insistence that immigrants be classified racially and his method of classification, were a product of the time. The 1890's in the United States were marked by an increasing race consciousness. Historians, economists, and even the budding disciplines of sociology and anthropology, inspired by the winds of racist dogma that blew from Europe and by native racialists as well, were making extensive use of the race concept. Most of those who wrote assuredly of the role of race, did not bother to define the term. And if they did, the definitions were so varied as to range from population groups with biologically determined physiological traits to those having the vaguest sort of cultural identity. The Dictionary of Races or Peoples reflects this confusion and has been doing so for more than 40 years.

Since the dictionary became the basis of the classification of immigrants, much has happened in the field of anthropology to render it obsolete. Almost a half century of experimentation with various methods for the classification of mankind into races has resulted in the use of such criteria as shape of head, color and texture of hair, skin color, lip formation, nasal index, blood type, etc. But

none of these, alone or in combination, have proven to be infallible as criteria of classification.

For example, the Dictionary of Races or Peoples on the bases of certain of these criteria speaks of the peoples coming from Northern, Central, and Southern European countries as belonging to the Nordic, Alpine, and Mediterranean races. But the fact is that the individuals coming from these countries do not all fall conveniently into these three racial categories. There is, first of all, considerable race mixture and, secondly, it is altogether possible for the members of a single family to fall into diverse racial categories. Thus, parents with predominantly Nordic features have children who differ from their parents and from one another in stature, nasal index, shape of head, color of hair and eyes, pigmentation of the skin, and in blood type. Nordic parents, therefore, may have offspring with predominantly Alpine or Mediterranean characteristics.

In addition, we might also inquire as to how valid are these classic lines of race division? Many anthropologists are not at all convinced that Nordic, Alpine, and Mediterranean represent pure or original race types. They question whether in prehistoric times the white peoples of Europe evolved as separate races having the physiological characteristics which are today ascribed to Nordics, Alpines, and Mediterraneans. They maintain that the contemporary effort to categorize peoples along these lines is more of an arbitrary effort than justified on the basis of what is known of the history of Europe's peoples.¹

Finally, the criteria of race, no matter how established, are assumed to be permanent and virtually impregnable to environmental change. But Franz Boas, on the basis of studies of the physical changes among immigrants to America, concludes "that the assumption of stability in man's physical characters is no longer tenable without qualification * * *. Not only may immigrant populations undergo modification when transposed to a sufficiently different environment, but physical changes may also occur in fixed populations as their environments alter in the course of time." Boas observes that the Eastern European Hebrew, who has a very round head, becomes more long-headed in America; the southern Italian, who in Italy has an exceedingly long head, becomes more short-headed, "so that both approach a uniform type in this country, so far as the roundness of the head is concerned." It would seem therefore that those bodily measurements upon which the anthropologists rely for the detection of race differences are impermanent in a changing environment and do not have that degree of fixity which the racialist assumes.²

Writing in the magazine *Commentary*, Prof. Don J. Hager of Princeton University repudiates attempts toward the racial classification of peoples according to their physiological characteristics on these grounds: "(1) An uncritical commitment to measurement for measurement's sake; (2) the unfortunate tendency to change the criteria of racial membership as one goes from one group to another, thereby compounding the confusion; (3) neglect of the inevitable fact that any increase in the number of different criteria used to determine racial membership will automatically increase the number of races discovered by the investigator; (4) the acceptance of the blending theory of inheritance which sets the classical investigator off on the search for pure and ideal racial types; and (5) a general unawareness of the genetic complexities underlying the transmission of conventional criteria of racial membership, e. g. cephalic index, skin color, hair and eye form, stature, and the like."³

However, Hager is not content to let the theory of racial classification rest at this point. He obviously thinks well of the efforts of Prof. William C. Boyd, the geneticist, to classify people racially on the basis of gene frequencies for blood groups and types.⁴ But another geneticist, Theodosious Dobzhansky, is in sharp disagreement insofar as he finds unconvincing all attempts to correlate the blood-group situation with the classification of the human races based on external characteristics.⁵ And Earnest A. Hooton of Harvard also disagrees with the assertion that the particular type of blood which is inherited seems to be independent of the other physical features in which race is determined.⁶

¹ H. J. Seligman, *Race Against Man* (New York, 1939), pp. 66-91.

² Franz Boas, *Changes in the Bodily Form of Descendants of Immigrants*, *American Anthropologist*, XIV (1912), 530-562.

³ *New Light on the Races of Man*, *Commentary*, XIII (January 1952), 81.

⁴ *Genetics and the Races of Man: An Introduction to Modern Physical Anthropology* (Boston, 1950). The quotation is from Hager, p. 81.

⁵ *Genetics and the Origins of Species* (New York, 1937), 51.

⁶ *Up From the Ape* (New York, 1931), 97.

Now, it is not within the province of this presentation either to affirm or to deny the possibility of a racial classification of mankind. What we have demonstrated, rather, is the difficulty involved in arriving at a definition of race and a scheme of classification flowing therefrom that is scientifically tenable and upon which the experts are to some extent agreed. Such a conception of race, it is plain, has not been evolved nor does it seem likely that it will soon evolve. And this in turn poses the problem as to what the immigrant is to answer when inquiry is made as to his race.

Certainly, on the basis of the evidence presented, it is apparent that the use which the Dictionary of Races or Peoples makes of the race concept is demonstrably fallible and, what is more, scientists can offer nothing positive to replace it. Under the circumstances, the conclusion of Huxley and Haddon seems applicable: "The word 'race' as applied scientifically to human groupings, has lost any sharpness of meaning * * * that no such clear-cut term as applied to existing conditions, is permissible."⁷

The further provision of the McCarran-Walter Immigration Act for the ethnic classification of prospective immigrants raises other difficulties of definition and classification. The term "ethnic" has not been defined in American law,⁸ although for administrative purposes the Department of State has endeavored to describe it in relationship to the Volksdeutsche. The second part of section 12 of the Displaced Persons Act of 1948 provides that between July 1, 1948, and June 30, 1950, 50 percent of the German and Austrian quotas shall be available exclusively to "persons of German ethnic origin who were born in Czechoslovakia, Hungary, Poland, Rumania, or Yugoslavia * * *"

The Department of State on March 30, 1949, issued the following definition of German ethnic origin for the guidance of American consular officers in Germany and Austria. This definition demands that the applicant be "characteristically Germanic * * *" This, in turn, is to be determined upon the basis of the following combination of factors, the presence or absence of any particular one of which will not, in itself be considered as conclusive, but any combination of which may be considered as providing satisfactory evidence of German ethnic origin:

"(a) Antecedents emigrated from Germany.

"(b) Use of any of the German dialects as the common language of the home or for social communications.

"(c) Resided in the country of birth in an area populated predominantly by persons of Germanic origin or stock who have retained German social characteristics and group homogeneity as distinguished from the surrounding population.

"(d) Evidences common attributes of social characteristics of the Germanic group in which he resided in the country of his birth, such as educational institutions attended, church affiliation, social and political associations and affiliations, name, business or commercial practices and associations, and secondary language or dialects."

Even though this definition was drawn with reference to a particular group—the Volksdeutsche—there are difficulties in the path of its application. For example, take a Polish national, one of whose parents emigrated from Germany. At home, the household was bilingual in the sense that both German and Polish were used. He lived in an area in Poland that was predominantly German in population, but attended a school in which the language of instruction was Polish. At the same time, he still retained some interest in German cultural and social activities, going so far as to join a hiking and sports organization, the membership of which was predominantly German. While at school, he meets and eventually marries a Polish girl and they go to live in a predominantly German area of Poland where they are in business. For business reasons, he retains many of his German cultural interests and associations—but in the household Polish is spoken, the children go to Polish schools, and he alone maintains slender ties to the German group in the cultural sense. What is the ethnic classification of such an individual and his family? Is he ethnically a German or a Pole and on what basis is he to be assigned membership in one group or in another?

⁷ J. S. Huxley and A. C. Haddon, *We Europeans* (New York, 1936).

⁸ A search of the following failed to disclose the use, definition, or explanation of the terms "ethnic" or "ethnic classification": The legislative history of the Immigration and Naturalization Act of 1952; the Federal Digest; Descriptive Word Index (vol. 1) and Words and Phrases (vol. 71; U. S. Code Annotated); Bouvier's Law Dictionary (1928 edition); Ballantine Law Dictionary (1930 and 1948 editions); Black's Law Dictionary (1933 edition); Corpus Juris—Cyclopedia of Law and Corpus Juris Secundum; Ruling Case Law; the card index of the Library of the Association of the Bar of New York.

Under the instructions issued by the State Department, the consular officer may exercise a wide range of discretion in interpreting which, and how many of these criteria, go into determining "characteristically Germanic." And so, it is altogether possible that any two consular officials might decide the case of the above individual differently—one calling him and his family ethnically Polish and another finding them "characteristically Germanic." It is significant that the United Service for New Americans has obtained a ruling that certain Jews might be considered "characteristically Germanic" and therefore eligible for a visa under the Displaced Persons Act of 1948.

Assuming that the definition of the term "ethnic" made by the Department of State on March 30, 1949, was made to apply, under the McCarran Immigration Act to the Jewish group, how would such a person as David Daiches, the literary critic, be classified? Dr. Daiches, whose father was trained to be a rabbi in Rumania, was born in Sunderland, England, where Salis Daiches had a congregation. In 1918 Salis Daiches having been appointed rabbi of the Hebrew Congregation of Edinburgh, the family moved to that city and it was in Scotland that David grew up and was educated. So what is David ethnically? Is he Jew, Scotch, or English? The answer is that he is probably a mixture of all three—but what does he reply to the specific question on the visa application?

Further along this line, let us ask how Jews are to be identified under the provision for ethnic classification demanded by the McCarran Act? The Jews themselves are divided as to how Jews are to be characterized. One segment of Jewish opinion holds that the Jews are primarily a religious group; another that they are an ethnic group or people; and a third would have Jews identified with the country of birth or adoption—Poles, Swedes, English, etc. Not only is there disagreement among Jews as to what they are, but anthropologists are also far from unanimous as to their proper classification. J. S. Huxley and A. C. Haddon claim that "The Jews can rank neither as nation nor even as ethnic unit, but rather as a socio-religious group * * *"⁹ On the other hand, Carleton S. Coon disagrees with the above and asserts that "Jews form an ethnic group."¹⁰ Another authority, Melville J. Herskovitz, denies emphatically Coon's conclusion. He states of the Jews: "Language, culture, belief, all exhibit so great a range of variation that no definition cast in terms of these concepts can be more than partial. Yet, the Jews do represent a historic continuum, have survived as an identifiable, yet constantly shifting series of groups. Is there any least common denominator other than the designation 'Jew' that can be found to mark the historical fait accompli that the Jew, however defined, seems to be? It is seriously to be questioned. A word can mean many things to many people; and no word, one may almost conclude, means more things to more people than does the word 'Jew'."¹¹

It is apparent then that any definition of "ethnic" as applied to many of the world's peoples—and particularly to Jews—must be without the rigor that law, to be successfully administered, must have.

It is to be hoped for the reasons developed above, that in due time, Public Law 414 will be amended and the requirement that the immigrant state his race and ethnic classification, will be altogether eliminated. However, until the law is thus amended, it is recommended, first, that the 1910 Dictionary of Races or Peoples should no longer be used as a guide, but should be discarded as obsolete and altogether out of accord with accepted scientific and even lay concepts and usages. Second, we most earnestly urge that "Hebrew" or "Jewish" not be included in any lists (if such are contemplated) of purported racial or ethnic groups prepared for purposes of implementing section 222 (a) of the law.

Mr. ROSENFELD. Mr. Chairman, before adjournment for the morning, may I ask permission to insert in the record statements that have been submitted to the Commission for that purpose?

I have a statement from the national board of the YWCA of the United States, submitted by Mrs. Harrison S. Elliott, general secretary, and another statement submitted by the Mennonite Central Committee by Mr. William T. Snyder, assistant executive secretary, and another statement from the National Council of Jewish Women by

⁹ Op. cit., p. 147.

¹⁰ The Races of Europe (New York, 1939), 442.

¹¹ M. J. Herskovits, Who Are the Jews? in Louis Finkelstein, ed. The Jews, Their History, Culture, and Religion (New York, 1949), II, 1168.

Mrs. Joseph Willen, chairman of the national committee on education and social action.

The CHAIRMAN. These statements may be inserted into the record at this point.

(The statements referred to follow:)

STATEMENT SUBMITTED BY MRS. HARRISON S. ELLIOTT IN BEHALF OF THE NATIONAL BOARD, YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF THE UNITED STATES

YOUNG WOMEN'S CHRISTIAN ASSOCIATIONS

OF THE UNITED STATES.

New York, N. Y., October 23, 1952.

MR. HARRY N. ROSENFELD,

Executive Director, President's Commission on Immigration and Naturalization, National Archives Building, Auditorium, Pennsylvania Avenue and Eighth Street NW., Washington, D. C.

MY DEAR MR. ROSENFELD: In reply to your letter of September 29, I am happy to send you a short statement from the national board of the YWCA regarding the immigration and naturalization policies of the United States of America. I am glad to be able to do this because over a period of years the Young Women's Christian Association has had many relations with foreign-born persons who come to our shores seeking either a haven from oppression or a new life and new work under congenial surroundings.

The YWCA has long worked for an immigration policy based not only on our own needs but on human welfare and is anxious that such policy will help the rest of the world know that the United States of America is anxious and ready to continue to uphold the proud position she has maintained for so many years.

Yours very truly,

GRACE T. ELLIOTT,
Mrs. Harrison S. Elliott,
General Secretary.

The requirements and administration of our immigration laws with respect to the admission, naturalization, and denaturalization of aliens and their exclusion and deportation are vital concerns of the Young Women's Christian Association of the United States of America. During the great tide of immigration to these shores following World War I, thousands of foreign-born women and girls found their way to the doors of the YWCA. The association organized international translation and service bureaus and opened international institutes in many big cities to which the immigrants came in large numbers. In 1922 the national board endorsed the Cable Act. The YWCA has watched and supported legislation over the years to reunite families and to afford the foreign-born person the largest possible measure of humane treatment. They were gratified therefore when President Truman appointed a Commission on Immigration and Naturalization on September 4, 1952. They would like to offer several suggestions for consideration by that Commission.

Subsections (a) and (c) of section 2 of the President's Executive order are of the most interest to the YWCA. However, with regard to subsection 5 it seems obvious in light of incontrovertible facts that the admission of immigrants to this country has proven of undoubted economic and social value. In times of an expanding economy, such as the United States is experiencing today, there is little fear that jobs and business opportunities will be curtailed by the admission of a carefully screened, restricted number of immigrants. Under the new law, the census year of 1920 is perpetuated as a base for determining quota allocations, which was the quota pattern set by the Immigration Act of 1924. While legal quota limits are 154,000 yearly, net European immigration from 1930 to 1949 averaged only 46,000 per year, about one-thirtieth of one percent of the United States population. Moreover, because under the Displaced Persons Act of 1948 refugees admitted to this country are charged against the future quotas of their country of origin, immigration from many European countries will be drastically curtailed in years to come. The number of immigrants would to all appearance be so small that they could not affect the economic scene adversely.

Because the YWCA has long worked for the freeing of our immigration and naturalization laws from racial discrimination it is a matter for gratitude

that the legislation passed by Congress last June contained a gesture toward the elimination of racial discrimination and quotas are now extended to all Asiatic countries. All discrimination in naturalization has been eliminated. However, the general pattern of racial discrimination remains in spite of these changes. For example, severe immigration restrictions are placed upon persons born in a colony or other dependent areas. Since the native peoples of some of those areas are mainly of Negro stock, the impression upon the rest of the world is such that the United States appears to be guilty of racial discrimination. The national board of the YWCA would like to see this discrimination removed.

The question of the effect of our immigration laws and their administration including the national origin quota system on the conduct of the foreign policies of the United States of America is of grave concern to the Young Women's Christian Association. The distribution of quotas under the base year of 1920 still remains unfair. Some countries, notably Great Britain, do not fully use their quotas and large numbers are wasted annually. No other country may take advantage of this waste. The United States has long been the friend of oppressed peoples and it would seem to be a humanitarian course to use these unused quotas in order to relieve to some extent, the plight of those victims of totalitarianism who seek asylum in this country. Many thousands of refugees are still stranded in Western Germany and Austria, and many flee from behind the iron curtain every month.

The waste of quota numbers by countries with large quotas brings another criticism, on the use of national origin system to determine quotas, forcibly to mind. Using the 1920 census figures as a base, gives to Western and Northern Europeans an unfair advantage over nationals of Eastern European countries. This inevitably means that the United States will be judged as being guilty of discrimination and inhospitality toward certain groups. A reexamination of this wastage seems to be urgently necessary.

STATEMENT SUBMITTED BY WILLIAM T. SNYDER, IN BEHALF OF THE MENNONITE CENTRAL COMMITTEE

MENNONITE CENTRAL COMMITTEE,
AMERICAN MENNONITE AGENCY FOR FOREIGN RELIEF,
Akron, Pa., October 18, 1952.

MR. HARRY N. ROSENFELD,

Executive Director, President's Commission on Immigration and Naturalization, Washington 25, D. C.

DEAR MR. ROSENFELD: Attached hereto is a statement by the Mennonite Central Committee which summarizes our views on the immigration and naturalization situation.

We regret it was not possible for us to offer testimony in St. Louis, but we have invited Dr. J. Winfield Fretz to submit a statement of his views for inclusion in the record. We will send this to you after receiving it from Dr. Fretz.

Yours very truly,

MENNONITE CENTRAL COMMITTEE,
WILLIAM T. SNYDER,
Assistant Executive Secretary.

STATEMENT ON IMMIGRATION AND NATURALIZATION BY MENNONITE CENTRAL COMMITTEE, AKRON, PA.

The Mennonite Central Committee is an organization through which the Mennonite churches of the United States and Canada conduct refugee migration and resettlement services in addition to other foreign relief and domestic service programs. We are pleased to share with the President's Commission on Immigration and Naturalization our convictions on American immigration and naturalization policy.

It is the firm conviction of our committee as well as our representatives overseas that the United States cannot permit the refugee problem in particular to rest where it is. There are still hundreds of thousands of homeless people in Europe and it is our opinion that this situation threatens the stability of Europe and somehow our country along with other nations of the world must find a humanitarian and Christian solution to the problem. We believe that there should be legislation presented and passed in the United States Congress whereby

our Government will appropriate funds for assisting in the migration of people from Europe to other parts of the world and, additionally, our country should take its fair share of the immigrants. We make these recommendations after having been very close to the refugee resettlement programs of the international agencies and the United States Government since VE-day.

Although there have been disappointments in the reception and resettlement of immigrants in this country, we believe the long-term contribution of these new immigrants far outweighs any temporary inconvenience that may be caused resettlement agencies or immigration officials.

The present immigration and naturalization law represents much hard work by the Senate and the House and there are certainly good features in the law. However, it would seem advisable to us, in our own national interest, to make further provision for the refugee population in Europe. Our viewpoint is that between 200,000 and 300,000 persons should be admitted from this category over and above the regular immigration provided for under the quota.

We believe that the United States can absorb this number of people. We have observed how remarkably the immigrants, particularly the children, fit into the American scene. While there are problems in connection with the resettlement of the older people, we feel that the United States will immeasurably benefit from the young people who enter as family members.

Our agency is not able to evaluate the problems of denaturalization; exclusion and deportation as our experience in these activities has been very limited.

Our suggestion that the refugee problem be given further support is not a new idea, of course, since our Government has generously supported the international refugee organizations as well as the Displaced Persons Commission; our plea is that this effort not be discontinued because the problem to which we directed ourselves as a government is far from solved.

We appreciate the opportunity of presenting these views to the President's Commission on Immigration and Naturalization and stand ready to provide additional information if it is necessary.

OCTOBER 17, 1952.

STATEMENT SUBMITTED BY J. WINFIELD FRETZ, BETHEL COLLEGE, CHAIRMAN OF THE
MENNONITE AID SECTION OF THE MENNONITE CENTRAL COMMITTEE

MENNONITE CENTRAL COMMITTEE,
MENNONITE AGENCY FOR CHRISTIAN SERVICE AND RELIEF,
Akron, Pa., November 10, 1952.

HARRY N. ROSENFELD,

*Executive Director, President's Commission on Immigration and Naturalization,
Washington 25, D. C.*

DEAR MR. ROSENFELD: You will find attached hereto a statement prepared by Dr. J. Winfield Fretz, Bethel College, North Newton, Kans. We ask that this statement be made part of the record as an elaboration of the basic statement which we gave you from the Mennonite Central Committee.

Dr. Fretz is the chairman of our Mennonite aid section, which is the department of the Mennonite Central Committee handling the movement and resettlement of refugees, both Mennonite and others.

We are looking forward with much interest to the report that the Commission will make to the President. It is my strong hope that the change in administration will not affect the interest in improving the McCarran-Walter legislation.

Yours very truly,

MENNONITE CENTRAL COMMITTEE,
WILLIAM T. SNYDER,
Assistant Executive Secretary.

STATEMENT ON UNITED STATES IMMIGRATION AND NATURALIZATION BY J. WINFIELD
FRETZ, BETHEL COLLEGE, NORTH NEWTON, KANS.

By way of introduction, I have served on the Kansas Governor's commission on displaced persons, as chairman of the Kansas UNESCO displaced-persons commission, and as chairman of the Mennonite Central Committee aid section. My vocation is that of professor of sociology at Bethel College, North Newton, Kans. I write to express my concern about the United States policy of immigra-

tion and its relationship to the many refugees and displaced persons throughout the world.

I sincerely believe that the United States Government has a moral obligation to provide legislation that will permit the immigration of at least 300,000 additional immigrants over and above the number permitted to enter under the quota system. The present immigration law has some commendable features, but I believe the law needs to be rewritten so as to eliminate certain discriminatory provisions based on color, race, and nationality.

The State of Kansas is eager to attract increased population, and in my experience with displaced persons in the last 4 years I am unaware of any opposition to displaced persons by any labor organizations in Kansas. An overwhelming percentage of the displaced persons brought into this country entered one of three types of work, namely, agriculture, unskilled factory, and domestic service. In all three of these areas there has been consistent manpower shortage, and the displaced persons thus filled a gap in the labor market. It is my conviction that additional immigrants could very well be absorbed in this general area.

In Kansas, displaced people were handled almost entirely through religious organizations. The Governor's commission consisted of representatives from five religious groups. The voluntary agencies of these groups helped to find sponsors for the displaced people through individual congregations. This plan of absorbing displaced people has worked very well since they were quickly oriented into a new community. Congregations literally adopted new families and saw to it that proper housing, jobs, and social facilities were provided. The close contact furthermore gave the immigrants an opportunity to acquaint their American sponsors with conditions in Europe.

This method of absorbing immigrants into our American economy seems wise, efficient, and practical. The method, I believe, also affords opportunity throughout this central area for the settlement of additional refugees.

The action of the President in creating the Commission to study the present immigration legislation is sincerely appreciated. I pray that the Commission will be divinely guided in its recommendations to the President and that its efforts will result in relief for thousands of those who are still homeless while we in America are living in comfort and in plenty.

STATEMENT SUBMITTED BY MRS. JOSEPH WILLEN, IN BEHALF OF THE NATIONAL COUNCIL OF JEWISH WOMEN

NATIONAL COUNCIL OF JEWISH WOMEN,
New York, N. Y., October 27, 1952.

MR. HARRY ROSENFELD,
*Executive Director, President's Commission on Immigration and
Naturalization, Washington 25, D. C.*

DEAR MR. ROSENFELD: Enclosed please find a statement by the National Council of Jewish Women for inclusion in the record of the Commission's hearings.

Respectfully submitted.

PEARL L. WILLEN,
Mrs. Joseph Willen,
Chairman, National Committee on Education and Social Action.

The National Council of Jewish Women, an organization of 97,000 members in 245 sections throughout the country, is traditionally concerned with maintaining and strengthening democracy within the United States and throughout the world. In the field of international relations and in domestic affairs, the democratic spirit and democratic values are council's primary concern. For this reason we are pleased that the hearings presently being conducted by the President's Commission on Immigration and Naturalization give opportunity for expression on the need to expand the restrictive immigration policy of the United States, and we feel sure that the hearings will ultimately be a decisive factor in liberalizing that policy.

Any attempt to apply the democratic standard to the immigration policy of the United States reveals many omissions, failures, and, indeed, contradictions. On the one hand, the United States is doing everything in its power, through economic aid, through military assistance, through propaganda devices such as the Voice of America, to expand the boundaries of democracy and demonstrate

the genuine devotion of our country to this effort. But how effective can the United States be if, at the same time, we follow an exclusionary and discriminatory path in the area of immigration. It is an essential principle of the democratic faith that all men are created equal, yet our immigration laws discriminate among men on the basis of their race. This kind of discrimination which directly affects many potential immigrants to our land, often outweighs and even destroys the effect of our public pronouncements of democracy.

Both major American political parties proclaim the need for equal rights for the individual regardless of race, creed, or color, but our immigration policy, which speaks for us much more strongly and to a much wider world audience, continues to discriminate against people on the basis of their Asiatic ancestry. In order to achieve a free world, the United States was one of the first nations to urge and participate wholeheartedly in United Nations action against Communist aggression in Korea. But United States immigration law excludes from our shores the refugees from the iron curtain in Eastern Europe who have first-hand experience of Soviet totalitarianism and who are ardent in their hatred of it. These evidences of contradiction between our words and our deeds engender suspicion and hostility among those who should be our partners in striving for a free world.

The National Council of Jewish Women believes that much of the failure of United States immigration policy results from a lack of familiarity with the subject on the part of the American people. We feel sure that if the majority of citizens realized that United States immigration policy is not a thing apart, but bears directly on American foreign policy and the whole area of civil liberties and democracy, Congress would have a mandate from the citizens to formulate a liberal, democratic immigration law. We sincerely hope that one of the results of the hearings being held by this Commission will be to disseminate more information on immigration throughout the country and thereby arouse great interest in the whole subject.

The National Council of Jewish Women feels especially qualified to testify on the value to the United States of an expanded immigration policy, in view of its 48 years of experience with newcomers to these shores. We have first-hand experience of their full integration into and varied contributions to the American way of life. It is with this experience in mind and a deep faith in democracy that we look forward to the formulation of an immigration policy based on the most precious ingredient of the democratic life, the dignity and worth of the individual.

The CHAIRMAN. We will now take a recess until 1:30 o'clock this afternoon.

(Whereupon, at 12:45 p. m., the Commission recessed until 1:30 p. m. of the same day.)

HEARINGS BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

TUESDAY, OCTOBER 28, 1952

TWENTY-EIGHTH SESSION

Washington, D. C.

The President's Commission on Immigration and Naturalization met at 1:30 p. m., pursuant to recess, in the Archives Auditorium, National Archives Building, Washington, D. C., Hon. Philip B. Perlman (chairman) presiding.

Present: Chairman Philip B. Perlman, Mr. Earl G. Harrison, vice chairman, and the following Commissioners: Dr. Clarence E. Pickett, Rev. Thaddens F. Gullixson, Mr. Thomas G. Finucane, and Msgr. John O'Grady.

Also present: Mr. Harry N. Rosenfield, executive director.

The CHAIRMAN. The Commission will come to order.

Prof. Louis L. Jaffe is the first witness this afternoon.

Mr. ROSENFIELD. Mr. Chairman, may I introduce, prior to Professor Jaffe's testimony, a letter from Mr. John W. Cragun, chairman of the section of administrative law, the American Bar Association, expressing the views of the American Bar Association, and indicating in what respect Professor Jaffe has been delegated to represent the American Bar Association in connection with these hearings.

The CHAIRMAN. That may be inserted in the record.

(The letter from Mr. John W. Cragun, chairman, section of administrative law, American Bar Association, follows:)

STATEMENT SUBMITTED BY JOHN W. CRAGUN, CHAIRMAN, SECTION OF ADMINISTRATIVE LAW, AMERICAN BAR ASSOCIATION

AMERICAN BAR ASSOCIATION,
SECTION OF ADMINISTRATIVE LAW,
Washington, D. C., October 14, 1952.

HON. HARRY N. ROSENFIELD,

Executive Director, President's Commission on Immigration and Naturalization,

1740 G Street NW., Washington 25, D. C.

MY DEAR MR. ROSENFIELD: I have your letter of October 13, 1952, with respect to the desire of your Commission to have the section of administrative law of the American Bar Association present its views at the hearing to be held in Washington, D. C., at the National Archives Building Auditorium, Pennsylvania Avenue and Eighth Street NW., on October 27 and 28, between 9:30 a. m. and 6 p. m. You indicate that your Commission will study and evaluate the immigration and naturalization policies of the United States.

The American Bar Association has gone clearly on record in support of the Administrative Procedure Act (act of June 11, 1946, ch. 324, 60 Stat. 237, 5 U. S. C., sec. 1001, et seq.) and has directed this section by all necessary and proper means to preserve the gains made by that act and develop and seek the adoption of improvements thereof. Seventy-five Reports A. B. A. 446 (1950).

The Supreme Court of the United States in *Wong Yang Sung v. McGrath* (339 U. S. 33) held the Administrative Procedure Act to be applicable to deportation proceedings. This was promptly followed by a legislative rider to the Supplemental Appropriation Act of 1951 (act of September 27, 1950, 64 Stat. 1044, 1048), exempting from the provisions of the Administrative Procedure Act proceedings under laws relating to the exclusion or expulsion of aliens.

The American Bar Association opposed this exemption from the Administrative Procedure Act of deportation proceedings. We understand that it was obtained upon the representation to Congress that providing hearing examiners in accordance with section 7 (a) of the act would cost in the neighborhood of \$30,000,000 (and there have been other estimates by officials of that service of from \$25,000,000 to \$100,000,000). In a letter to the writer by Hon. Francis E. Walter of the Committee on the Judiciary of the House of Representatives in 1951, he called attention to the last annual report of that agency which showed that there was litigation under the act in only 37 cases, which he indicated as proof of the extravagance of the estimates, and that the claims are ill founded.

Under the new Immigration and Nationality Act approved June 27, 1952, over the President's veto (Public 414, ch. 477, 82d Cong., 2d sess.), section 403 (a) (47) repeals the rider contained in the Supplemental Appropriation Act of 1951. On its face, it might be assumed that the exemption has been withdrawn. I respectfully call attention, however, to sections 235, 236 (a), 242 (a) and (b), and 287 (a), providing for hearings on immigration and deportation matters by a "special inquiry officer" (not a Federal hearing examiner under the Administrative Procedure Act), and providing as to each that the procedure prescribed "shall be the sole and exclusive procedure." While I am not prepared to state an opinion that the guaranty of a hearing before a Federal hearing examiner pursuant to the Administrative Procedure Act is vitiated in the language of the sections to which I have referred (and note that there is like question as to the provisions of the Administrative Procedure Act for judicial review, see sec. 242 (a)), I respectfully urge the position of the American Bar Association that the guaranties of the Administrative Procedure Act should apply in connection with whatever acts governing these subjects are adopted.

The section of administrative law has not been given authority by the American Bar Association to deal in any respect with the ultimate policies respecting immigration and naturalization. This section is concerned with the integrity and fairness of hearings or other proceedings before administrative agencies, and with court review of the decisions of those agencies.

Prof. Louis L. Jaffe of the Law School of Harvard University, Cambridge 38, Mass., has been the chairman of the committee on immigration and naturalization of the section of administrative law. As such, he is delegated to represent the American Bar Association in connection with hearings which you hold, and in support of the association's view that the Administrative Procedure Act ought to apply to these proceedings. In the event Professor Jaffe finds it possible to attend your hearings, I will expect him and your Commission to make such arrangements for his appearance as may be convenient.

Very respectfully yours,

JOHN W. CRAGUN, *Chairman.*

The CHAIRMAN. Will you proceed, Professor Jaffe.

STATEMENT OF LOUIS J. JAFFE, PROFESSOR OF ADMINISTRATIVE LAW, HARVARD LAW SCHOOL; CHAIRMAN, COMMITTEE ON IMMIGRATION OF THE ADMINISTRATIVE LAW SECTION, AMERICAN BAR ASSOCIATION; AND ALSO ON BEHALF OF HENRY M. HART, JR., PROFESSOR OF LAW, HARVARD LAW SCHOOL

Professor JAFFE. I am Louis L. Jaffe, professor of administrative law in the Harvard Law School, and I am speaking not only on my behalf but on behalf of Prof. Henry M. Hart, Jr., professor of law in the Harvard Law School, who has had a great deal of experience in research and administration of immigration law.

I would like to say, Mr. Chairman, in connection with my representation of the American Bar Association, that representation has

been restricted to one question alone, namely, the administration of the Administrative Procedure Act in connection with deportation proceedings and hearings; and I will indicate at the time when I make the statement which of those views are the views of the American Bar Association.

My colleague, Professor Hart and myself, have decided to restrict ourselves to a general glance at the procedure of the act, and particularly the spirit in which the procedure of the act has been framed. We don't feel particularly competent on the question of quotas, though we do agree with the general criticism that has been made of the quota system. But this is not our field of understanding, particularly. We have therefore looked over the procedure with a view to the spirit in which the procedural arrangements of the present act are drafted, and with a view in respect to what the new spirit should be restricting. We have picked out a few in order to indicate what we believe to be the very improper and inappropriate way in which the present act is drafted.

The present act is compounded with hostility and suspicion of the immigrant. Now let us assume that there is going to be some limitation on immigration to this country, both in the way of over-all quotas and in the way of personal qualifications. Nevertheless, it is our feeling that those who are permitted to come should be treated as friends. This is a transaction, we believe, of mutual benefit to them and to this country, and to the particular relatives and friends who are the sponsors.

Furthermore, we believe that the immigration law is one of the principal expressions of the interest in this country of friendship with the rest of the world and that, therefore, the act should be entirely restudied, completely restudied with this kind of spirit in mind.

Now, just a few examples of the hostility and suspicion which surround the immigrant from the moment he comes, and stays with him long after he has arrived. For example, take an old inequity, which continues in this act. It is true there were some attempts to eliminate it by the discretion of the Attorney General.

If a mistake is made in granting an immigration quota number to an immigrant he becomes inadmissible at this end even though he has come here and pulled up stakes and come with his family. It is true that the Attorney General in his discretion may lift this bar, but we feel that it is entirely inappropriate that a person who has come here in all good faith and whose coming here was not due to his mistake or the mistake of the country or the authorities, is subject to the uncontrolled discretion of an officer. It is contrary to sound administration, contrary to American policy. What difference in a country of 150,000,000 persons can it make that one or two or a few ex-quota people come into the country? Once the immigrant is here or has arrived he is surrounded by all kinds of burdens and risks of proof.

For example, if he becomes a public charge within 5 years he must show that it is not due to causes which existed at the time when he came. If he becomes a mental defective within 5 years he has the burden of showing that it isn't true or due to causes that antedated his coming to this country. Furthermore, and this is a change for the worse from the old act, he is deportable at any time—it makes no

difference how long he has been here—if for some reason or other he was not admissible to come to this country.

Under the old law there were provisions for 3 years and 5 years of various kinds for a variety of effects of this sort. One of the most important and necessary provisions in the act is that which permits the Attorney General to suspend deportation where the person has relatives, close friends, in this country, and where his deportation under the old law would have been an economic hardship to him or his relatives.

Now look what has been done in the new law. The House committee, speaking about this act, says in its rather cruel and casual way that all cases of deportation under these circumstances involve hardship and frequently unusual hardship; but this is not enough, says the committee—the hardships should be exceptionally and extremely unusual. In other words, the Attorney General is being asked to trade in distinctions of misery and here we have involved the interest of citizens of this country because this man will usually have a wife or children here, and the Attorney General is put in this invidious and administratively indefensible position of making distinctions between extreme and extremely unusual hardship. That, of course, means that the decisions can't be made on any sound administrative basis, but have to be made by some mythical intuition in order that the Attorney General not be subjected to criticism by hostile congressional committees.

Another thing, the new act contains what to us has been a shocking provision and has been for a long time in immigration, and that is that any alien who voluntarily takes a trip abroad, though a permanent resident, when he returns to this country he is making a new entry, and therefore all of the rules that are applicable to a person who has never been here and has no connection with the United States are then automatically applied to him.

Now it is true that with so many things in this act the Attorney General may weigh, the Attorney General is given all kinds of discretionary powers where there should not be discretion and, consequently, the Attorney General, in his discretion, with a number of new limitations on the exercise of his discretion, that have absolutely nothing to do with the question of what law should be applied to him, such as a 7-year requirement of residence—all these restrictions are added to the old law, which had a very definite purpose.

It is our view, finally, that a person who has established permanent residence here should be free to travel the same way any other citizen is free to travel and that when he attempts to return to the country the question of his right to remain here should be governed by the rules which relate to deportability and not to exclusion.

In other words, we believe that this rule that every time an alien leaves this country he makes a new entry should be abandoned as a hostile and mean rule, serving no purpose appropriate to the policies of the immigration law.

The last point in this attitude toward the immigrant is one you have had pointed out to you a great many times, but it simply completes the picture of the position of the alien in this country and that is the provisions which I have noted from the press have been stressed over and over again; that even after the alien has become a naturalized citizen, if he, under one circumstance I believe, is guilty of a

contempt for refusing to answer a congressional committee, it is conclusively concluded that his entry into this country is fraudulent. In other words, if he is associated with some organization which would be cause for exclusion, there is a very heavy assumption, though not conclusive. Now this creates a very special class of second-class citizenship and it is a second-class citizenship that attaches itself to the alien. The suspicion and distrust of any and all aliens, and we think that this whole law should be drastically considered and reconsidered with the end in view of conforming it to a rational spirit, a rational attitude toward the alien.

Now the second point we are interested in is the question of the power of the conscience. It seems to have been thought prior to the new legislation—at least it was thought in many circles—that the consular authority with respect to the denial or granting of visas was not reviewable in the Department of State. Whatever was the true view, I read the new law and as I read the committee report—and I hope maybe we are wrong on this—but as I read it there is a very deliberate attempt to put the consular decision with respect to visas beyond any possibility of review by anyone whatsoever. There is this very curious provision saying that the Secretary of State has a general power to administer this immigration law with the exception of this one feature.

Now, I think, if you begin to look through the law, look through the whole body of the law, you will find that it is almost unprecedented that a power of such vast dimensions affecting the alien so nearly, affecting his relatives and friends in this country so nearly, a power really as large as any which is granted to an official in this law, that this power is granted without any review whatsoever. We have searched in vain for anything comparable to it. It has come to be a premise of our whole administration of justice that no one man should have an absolute power which cannot be reviewed anywhere, and here you have these consuls all over the world, the great variety of men, men we may admit perfectly competent and perfectly good men, but men with the greatest variety of standards of character, of attitudes, of understanding of the law, and here you are permitting these men all over the world to adjudicate these very, very important interests without any power of review by any men at all, and particularly any administrative power, and the only effective review is a power of administrative review.

It is not only that this is absolute power. It is that it is uncoordinated power. It is contrary to the correct principles of administration to allow to a great number of men spread all over the globe to make the policy of the United States without any power of coordination and control in the upper hierarchy.

Beyond that, we feel that there should be the possibility of review. Now perhaps there is judicial review at the moment; there is very little law about this. Cases are here and there, just one or two; but there are very considerable difficulties about judicial review. There is first the question of who could bring the proceedings. There is one case that permitted the sponsor or relative, I believe it was the husband, to bring a mandamus proceedings in order to mandamus a consul to grant a visa in favor of his wife. No question was raised. We think the law should be clear that the person who is the sponsor—that is, who is the official sponsor, the relative or person bringing over this

person as a laborer—by having cleared it with the Attorney General, should be in a position to raise this matter in court. We don't feel that we emphasize the judicial review to the same extent that we do the administrative review, because judicial review is not an appropriate instrument for day-to-day control, and the court can only review when abuse of discretion or an improper construction of the law is applied.

We are also aware that there may be some procedural problems connected with this review, and we think that those problems have to be worked out once the major decision is made. There are problems of proof. But there will in most cases be a sponsor in this country and he will be in a position to adduce evidence or to raise questions of law. Furthermore, it might be possible to attach a semijudicial officer or roving officers, let us say, to the embassies, or let us have someone in the embassy abroad who is in a position to review this sort of thing. We don't go into the details; we don't think that would be profitable. We think first the major procedure should be made and then these procedural problems could be based on this and passed as they come up.

Our next point has to do with visitors' visas. Now, you have received testimony about this just recently from persons who are far more competent than we are to deal with it. From scientists who have seen the impact of the administration of the visitor visa clause on scientific meetings in this country. Some cases mentioned have had to be held without the chief authority in the subject being present. We don't go into that, and the only contribution that we can make to it at the moment is an appendix which I have appended to these remarks, a suggestion for amending the law in order that Congress will give a go-ahead to the Attorney General to issue regulations for the expediting of visas. We feel that though the Department of Justice is presently competently able to make regulations of this sort, that the state of opinion is such and the state of the congressional indications of policy is such that the Attorney General really has no mandate to undertake the expedition of this type of visa. It might well be subject to criticism in Congress, which he would not like to subject himself to. We therefore think that there should be an expressed declaration in the statute of a policy of favoring the coming to this country of aliens, of learned aliens for learned meetings, and that the regulations will go in terms of these persons being brought under official or representative or responsible sponsorship. That is, they would be brought under sponsorship of a university or learned society.

We have been studying this, a small committee of which we were members last year, and some physicists at Harvard, and some scientists, at Harvard and MIT, studied this problem, and we came up with this appendix which you will find at the end of our prepared statement. It is simply a suggestion. It may not be the best way of dealing with the problem, but the suggestion suggests a possible point from which drafting could proceed.

Then we come to the question of the application of the administrative procedure act to deportation and exclusion hearings, and that, too, has been a matter, I am sure, about which this Commission has heard a good deal, and about which there has been a great deal of writing, so I can assume you all know the background and all cases and authorities will have been brought to your attention.

The committee of the American Bar Association, of which I am the chairman, the committee on immigration, a committee of the administrative law section of the American Bar Association, restudied the problem last year as to whether the Administrative Procedure Act should be applied particularly to deportation hearings.

Now the real meaning and real question of this is not the question of all the elaborate details of the Administrative Procedure Act. They are involved but they are only very incidentally involved. The crux of this question is who the hearing officer shall be: whether he shall be an official in the regular staff of the Immigration Service or whether he shall be one of these sort of quasi-independent hearing officers under section 11 of the Administrative Procedure Act. The decision of the Administrative Procedure Act was that in proceedings that involved an accusatory element, an element of trying a person for violating the law or for some personal dereliction, the hearing officer should be a man picked out on certain standards set up by the Civil Service Commission and who is not beholden to the department for which he works for advancement, and who could only be disciplined by the Civil Service Commission and who had no other function than that of a hearing officer. It was thought that this would induce a proper judicial frame of mind.

Now the Supreme Court in the Wong Yang Sun case decided that since an alien about to be deported was constitutionally entitled to a hearing that Congress should have been taken to have understood to have meant that such a hearing officer should be provided for a case of that type. In other words, if a person's right to a hearing stood on a constitutional basis it would be assumed that he would be entitled to the best kind of hearing that Congress knew how to provide, and in the middle of this was the Administrative Procedures Act.

Now you know after this decision the Immigration Service indicated to Congress that this would be a very expensive decision to implement and might run to \$27,000,000 a year.

My committee was disinclined to believe that it would run so high. This was based on the assumption that all deported aliens or aliens about to be deported would ask for a hearing of this type, and that these hearings would each run a half day. Now these things seem to be rather unlikely. However we are not experts and really know very little about this question of expense, and it is one that you can get information on far better than we can.

We do say this, however, with respect to the element of expense: that expense is not the only consideration; that really the decision is involved in the Administrative Procedure Act, it was a decision that in the interest of justice and fairness, some expense was warranted. Now there may be great expense, there may be the risk of greater expense. But these are very valuable, very vital. No more basic or vital would be a hearing to deport a man that may long have been a resident in this country.

Now my colleague, Professor Hart, and myself would be inclined to provide a similar hearing in exclusion cases, but we don't press the point. If there is a problem of expense that seems insuperable here, why then we suggest that at the very least aliens who have been admitted here for permanent residence, that is, who have been duly admitted, admitted according to the usual proceeding, at least they

should have the very best hearing possible. Mr. Hart thinks there is a good case for judicial hearing in this case. These, by the way, would be the bulk of hearing cases, because where the immigrant has not come in with proper papers or cannot show he has come in at a regular port of entry, there will usually be no important questions of fact anyhow.

Just one point about the comment on exclusion in the new act. It is provided that a special inquiry officer will hold the hearing, who will not have been a person who investigated the case in which he is sitting. But that isn't good enough. He will have been a person who is investigating or has investigated other cases. He has a rare power with the immigration inspector who is presenting the case to him. Furthermore, this is the provision that under normal circumstances he, himself, will conduct the hearing; if he is to conduct the hearing and is a member of the regular inspection staff he will not have that disinterestedness of mind that he should have in hearing these issues, and even if a special staff is set up, though that certainly would be the very best solution short of the Administrative Procedure Act solution, even so, these persons will be beholden to the Department for their advancement and for their discipline within the Immigration Service, which would not be true of an Administrative Procedure Act, section 11, trial examiner. Therefore, we have come to the conclusion which was initially the conclusion of the bar association that the Administrative Procedure Act, the application of section 11, to the immigration procedures should be restored.

Now, one last point: there are few provisions in the procedures relating to declarations of nationality. We were not too clear from the notice whether the nationality sections are a part of the inquiry here—

Mr. ROSENFELD. Yes, they are.

Professor JAFFE. Well, the thing that bothers us in this section on declaration of nationality, is that any change should have been made at all restricting the availability of this very liberal and humane procedure which existed during the present act. Why, for example, why was there a limitation of 5 years which previously could always have been availed of? I don't know that the effect of this act is that no procedure would then be available as to declaratory judgment; but the alien would not have the advantage of a certificate of identification. He would not be able to have an ordinary declaratory judgment action to come to this country. It is, I take it, only under section 268 that the certificate of identification is issued.

Another thing that bothers us somewhat more about the new procedure with respect to declarations of nationality is that, if there has been an exclusion proceeding in the past or if there is presently an exclusion proceeding, these proceedings are adjudicated. The alien cannot in this type of procedures raise the question of citizenship. This we think is bad.

We have this most peculiar situation under the old law. The person in the country was entitled to the trial in the issue of citizenship; but if that person left the country voluntarily for a trip or only for 10 or 15 minutes, he comes back and then the question of his citizenship or nationality, as it is phrased in this statute, is raised; he is not entitled to a judicial trial. Now, that is an invidious and absurd distinction. It has no relation to justice. It has no relation to the

policy of the act. It is part of that old business that every coming back is a new entry and placing the resident in the same—the permanent resident, in the same category as a person that has been outside of the country.

Mind you, this, however, is with respect to a person who may indeed be a citizen. Now, under a decision of the Court of Appeals of the District of Columbia in 1950, the court held this distinction no longer prevailed; that the crucial proceeding, the fact that there had been previously proceedings was not *res judicata* and the question of nationality would be given a complete nationality trial, and that is the correct solution, in our opinion.

Now the new law would seem to abolish that distinction because it makes an exclusion proceeding, either past or present, *res judicata* and the proceeding that anyone coming to this country shall not have a judicial proceeding at all. That is, a person who comes to this country under a certificate of identification does not come in order to attend a judicial proceeding, as I understand this drafting; he comes in order to be admitted into this country under the procedure available for excluding aliens. Now this to our mind is a distinction without any justification, to distinguish between a putative citizen who happens to be abroad and a putative citizen who happens to be in this country seems to us to be no proper justification for that.

I suppose this is a very rare case and I don't know the background of it from the point of view of the nationality law. But if the person has never been in this country he is not entitled to a certificate of identification at all, and there is no provision in this statute for his having any action. Maybe he has an action. I daresay he has an action under the general declaratory judgment act, I don't know; but in connection with that declaratory judgment act, there is no provision for him to get this. He cannot get a certificate for getting here to be a plaintiff in a declaratory judgment.

We object to the inadequate notice provisions in other sections that we point out, but they are rather small matters and they can be looked at in our memorandum.

The CHAIRMAN. Thank you, Professor.

Commissioner FINUCANE. May I just ask one question: the Administrative Procedure Act provides after hearings you have introduced a way of ultimate decision by the agency head?

Professor JAFFE. Yes.

Commissioner FINUCANE. In the immigration field that would be by the Attorney General, as it is now set up?

Professor JAFFE. Yes.

Commissioner FINUCANE. Now there has been some discussion and criticism of that on the ground that the Attorney General is also the prosecuting officer and issues some directives in the field of prosecuting cases.

Professor JAFFE. Yes.

Commissioner FINUCANE. And the idea has been expressed that possibly when the case gets into the adjudicative process the ultimate decision shouldn't be left with the Attorney General and the suggestion has been made that in lieu of final decision by the Attorney General there should be set up a statutory appellate board of some nature which is completely independent of any decision or any action that the normal agency head may make, that is, independent of action by

the Attorney General. That presumably would be going even beyond the safeguards provided in the Administrative Procedure Act. I think we would be interested in any view you might have in that field.

Professor JAFFE. I think it would be a very wise procedure. I see no adequate reason for the Attorney General to sit as the ultimate judging officer.

Now insofar—I wouldn't want to speak with respect to the exercise of discretion—that is, insofar as the functions of discretion are vested in the Attorney General, that may raise another issue and I would have to think about that. But insofar as the questions are questions of fact it seems to me that the Attorney General has no appropriate function.

As I said, my colleague, Professor Hart, and I hadn't time to think through the thing or to notice whether to agree with him or not; but believes in these cases that the hearing indeed should be judicial which, of course, goes even further and includes all administrative authorities. But I think there has been an unfortunate tendency in this country to lump all administrative activities together and suppose they are all subject to the same kind of rule. There are situations of course where the head of an authority in working out a policy should have not only the power to initiate the action but he should have the power ultimately to declare the policy. Such a thing is true in my opinion of the Federal Communications Commission or the Interstate Commerce Commission. But I don't think that applies to a matter fundamentally accusatory. Where the person violates this act is a criminal or comes in, in violation of this rule, those issues are not issues of policy. They are in a sense but no more than issues that are tried by courts. I would consider that to be a very wise suggestion.

The CHAIRMAN. I was looking at that appendix that you have suggesting a change or additional sections. I didn't quite understand how the Attorney General could be authorized to issue rules and regulations to expedite the granting of these nonimmigrant visas when they are issued in the first instance by the consuls through the State Department. Would you not have one Cabinet officer trying to expedite the action of an official in another department?

Professor JAFFE. We may have gotten the wrong person. I think that as we studied the act at the time when we did, we may have been wrong about this, the Attorney General had certain powers with respect to admitting subversives. I think that was our understanding, and therefore, that he was the proper person—in other words, he was a man who had rather tremendous discretion. We may have been wrong there.

The CHAIRMAN. Would you want him to expedite the granting of visas by another department?

Professor JAFFE. I don't know, perhaps we have the wrong fellow. This, of course, would involve a departure from the notion that the consular authority can deny visas at will and it would subject him to some type of overriding regulations by the Attorney General; but we believe some proper authority, be it the Attorney General or be it the Attorney General and the Secretary of State acting jointly, should put out some type of regulation of this sort.

The CHAIRMAN. Thank you very much, Professor.

The more detailed statement which you and Professor Hart have furnished us will also be inserted in the record at this point.

(The statement follows:)

I am Byrne Professor of Administrative Law in Harvard University. I am also chairman of the committee on immigration of the administrative law section of the American Bar Association. However, as such chairman I have authority to speak for the committee and the association with respect only to one subject, namely, the application of the Administrative Procedures Act to immigration hearings. In the course of my remarks, I shall specifically identify those views which I am authorized to express on behalf of the bar association. I have no authority to speak for the association on any other views here expressed.

I would like also to advise the Commission that I have the authority to associate with me in the views expressed here Henry M. Hart, Jr., professor of law in the Harvard Law School. Professor Hart has had experience both in the study of the immigration laws, and in their administration. He was a member of the committee of three which made a study of the Immigration Service when it was in the Department of Labor. In 1940-41, at the time of the transfer of the service to the Department of Justice, he served as a Special Assistant to the Attorney General assigned to the service and, among other things, assisted in the establishment of the Board of Immigration Appeals as recommended in the report of the earlier committee. Professor Hart and myself have conferred on the views here expressed, and they are our joint views unless otherwise indicated.

We shall confine ourselves primarily to questions of administration and procedure. It is not within our competence to evaluate the existing quota system nor to suggest alternatives. We shall assume, for present purposes, that any system adopted in the immediate future is likely to have quotas of some sort: categories of admissibility and nonadmissibility; and provisions looking to the deportation of aliens who have demonstrated their undesirability. Within this frame of reference we have studied the administration and procedure as it culminates in the present act and we have certain criticisms and suggestions for change.

I

Though we may accept the proposition that the law will continue to require careful scrutiny of visitors and to limit immigration, with respect both to its total and to the personal characteristics of the individual immigrant, we cannot accept as a necessary or appropriate corollary the spirit of the present act. It bristles with hostility to aliens. It is instinct with suspicion of anyone who seeks to enter this country. It is a bacchanalia of meanness.

Even visitors must cross a barbed-wire entanglement of restrictions. We used to encourage people to come to see us not only because we liked them and because their visits were profitable but because also of a deep awareness that true understanding of America was best secured by first-hand observation and that such understanding was our best assurance of international respect and amity. Now, more than ever, we need to bind ourselves with ties of friendship to foreign countries. The present statute, however, is written as if it were trying to throw away this best of all resources for promoting world-wide appreciation of the American way of life, and to convert it instead into an instrument for the cultivation of international irritation against the United States.

The law treats the immigrant even more harshly than the visitor. It makes it hard for him to enter, and subjects him to a cruelly invidious and discriminatory regime after his entrance. It has been our tradition to welcome the immigrant to our country, on the theory, first, that he has an important contribution to make to the national welfare and, second, that his coming and remaining here is of vital importance to relatives and close friends who are citizens or resident aliens. The ultimate resource of any country is the human abilities of its people. The intelligent use of that resource calls for warmth and friendliness, not hostility and suspicion. Although we may limit the numbers who come here, it should be a major premise that those who are permitted to come are not only receiving a benefit but conferring one on us. It is a transaction of high mutual advantage. All administrative and procedural arrangements should be tested by that major premise and made to conform to it.

To describe all the manifestations of hostility in the present act would require a treatise. We are forced to confine ourselves to examples.

A prime example of injustice—which, however, is merely adopted from the old law rather than newly invented—is embodied in section 211. Under this section, an alien to whom a visa has been issued and who has made the journey here may be sent back if any one of several mistakes has been made in the issuance of the visa. This is proper enough if the mistake is fairly chargeable to the alien's own carelessness or misrepresentation. But the section goes much further than this and visits upon the alien the consequences of purely administrative errors of the consul or the Department of State. These include errors in determining nationality, the availability of a quota number, nonquota or preference status, and the like.

Sometimes, it is true, the Attorney General "may in his discretion" admit the alien in such cases. This illustrates the policy apparently followed throughout the drafting of the act: "Don't give an alien a break if you can help it; but, if you can't, make the break depend upon the uncontrolled discretion of some administrative official." There is no valid reason in this situation for subjecting the immigrant to this hazard of official grace. Not even this dispensation is open, moreover, if the available quota numbers for the current and the following year have been used up. Yet, a few extra immigrants can mean nothing to a country of 150,000,000. In such a case the United States in its majesty says to the immigrant (and to his citizen relatives and friends) that he must shoulder complete responsibility for the error; that the solemn determination of the Government's own officer in reliance upon which he has torn up his roots at home and transplanted himself to a new country is worth no more than a scrap of paper, and that he must go back.

For the senseless cruelty of this provision we can discover no warrant. It belies the natural feelings of Americans and senselessly impairs the honor and good name of the Nation.

B

Once the immigrant has been duly admitted he is placed under a special and invidious regime. This is particularly indicated by onerous burdens of proof and heavy presumptions of undesirability and misconduct. For example, section 241 (a) (3): An alien is deportable if within 5 years after entry he becomes institutionalized at public expense because of mental disease, defect, or deficiency unless he can show that the condition did not exist prior to entry. Section 241 (a) (8): He is deportable if in the opinion of the Attorney General he has within 5 years after entry become a public charge from causes not affirmatively shown to have arisen after entry. Section 241 (a) (1): He is deportable at any time if at the time of entry he was within one or more of the classes of aliens excludable by the law existing at time of such entry. Under the earlier law there was a 5-year limit on this class of deportability.

C

The present act retains the power of the Attorney General to suspend deportation, but substitutes for the simple provision of the earlier act a host of refined and formidable distinctions which will make it extremely difficult to realize the beneficent aim of this power. The earlier act allowed suspension if the deportation would result in serious economic detriment to a citizen or legally resident alien who is the spouse, parent, or minor child of such deportable alien. The present act substitutes for "serious economic detriment" "exceptional and extremely unusual hardship."

The committee noted that in almost all cases of deportation "hardship and frequently unusual hardship" is experienced. Under the new act, said the committee, the hardship must not only be unusual but "exceptionally and extremely unusual." Rarely has there been a balder statement of a national purpose to be cruel. It is bad administration to require the Attorney General to make a distinction so intellectually imponderable, so obnoxious to normal impulses of sympathy, and so ruthlessly regardless of the reasonable expectations of the alien resident family. Since all of these decisions must be submitted to Congress for rejection or approval, the Attorney General's judgment in the matter is likely to be dictated by political rather than administrative standards. In addition the interest of the family is further disregarded by requiring the alien to have had continuous periods of residence of from 5 to 10 years, depending on the cause for deportation.

A new and most exceptional power over the life of the immigrant who has been duly received into this country is that given to the Attorney General to deport an alien for "activity which would be prejudicial to the public interest." This comes close to granting to the Attorney General a nearly undefined power to make policy in this area. Our objection to this is not merely on abstract grounds of separation of powers but to the violation of its precepts in this case. Thus, the very foundation of the life of a permanent resident and of his family and friends is made to depend on the power of one man. In view of the fact that Congress has had the opportunity to study immigration policy for 5 years, it is indeed remarkable that it has found it necessary to invoke such a supplement to a law already so drastic. Here, again, we have an expression of the attitude that the alien in our midst threatens the country with nameless unimaginable dangers.

D

The new act continues the shocking provision of the present law under which an alien who has been duly admitted for permanent residence is permitted to travel abroad only at the price of putting into fresh jeopardy his right to be here. The provision is that such an immigrant who leaves the country voluntarily is to be deemed to make a new "entry" when he returns. Though he may come in ex quota, he may in all other respects be treated as a newly arrived immigrant both substantively and procedurally.

We are aware that under section 212 (a) the Attorney General may waive most grounds of exclusion in favor of a lawfully admitted alien who has resided here for 7 years. But why should such an immigrant become subject to anyone's uncontrolled discretion merely because he has chosen, or been impelled by business or family necessity, to leave the country temporarily? The consequence is a serious discrimination between an alien who does not or has no occasion to leave the country and one who does. We look in vain for a reason relevant to immigration policy for thus restricting and penalizing the freedom of movement of resident aliens. It is one more indication of the disabilities with which the law hedges about the activity and the personality of the immigrant; it is one more indication of the law's unfriendliness and suspicion.

In our view, an alien who has been duly admitted for permanent residence should be subject both substantively and procedurally to the provisions relating to deportation and not to those relating to exclusion.

E

The culmination of this attitude is manifested in section 340. In subsection (a) suspicion of the immigrant is carried to the point that 10 years after naturalization, normally 15 years after entry, he will on the basis of certain misconduct be conclusively presumed to have procured naturalization by fraud. And in subsection (c) certain conduct within 5 years following naturalization creates a prima facie case of fraud. We are not here raising the question of the major policy which these provisions implement. But it seems to us contrary to a decent regard for the immigrant to single him out for this peculiarly heavy jeopardy, and contrary to sound national policy thus to create a new status of probationary, second-class citizenship.

These are but some of the many indications of hostility to the immigrant. We suggest that in reconsidering and redrafting the immigration and naturalization law the draftsman consider his task upon the assumption that, as long as we permit immigration, immigration serves our purpose as well as the immigrant's, and with awareness that a spirit of friendliness is not only good morals but good policy in promoting loyalty and respect for our institutions.

II

A

The present law, resolving all doubts under the earlier law, vests nearly absolute power in the individual consular officer to deny immigrant and nonimmigrant visas.

Though the Secretary of State under section 104 (a) is charged with the administration and enforcement of the act, there is especially excepted from his supervision the powers, duties, and functions conferred upon the consular officers relating to the granting or refusal of visas. There is set up in the Department of State a Bureau of Security and Consular Affairs headed by

an administrator who is to maintain close liaison with the appropriate committees of Congress in order that they may be advised regarding the administration of this act by consular officers. In this Bureau there is to be set up a Visa Office and a general counsel who shall have authority to maintain liaison with the consular officers with a view to securing uniform interpretations of the provisions of this act.

The implication of these provisions is that the Bureau no more than the Secretary has any authority to review or control the individual actions of the consular officer in the field. This implication is confirmed by the conference report. The report notes that suggestions were made for the creation in the Department of State of a semi-judicial board to review consular decisions. The committee concluded that it did not feel that such a body should be created by legislative enactment, "*nor that the powers, duties, and functions conferred upon consular officers by the instant bill should be made subject to review by the Secretary of State.*"

It might be argued that the failure thus to set up such a board by legislative enactment was not meant to exclude its establishment by administrative rule. We should not like to deny the possibility of such an interpretation, but the committee's statement (particularly the italicized words quoted above) lends itself to the view that the Secretary of State may not set up such a board. Furthermore, following the quoted sentence is the further statement, "However, the Secretary of State will have under this bill ample authority to provide within the Department of State for a system of cooperation between consular officers stationed abroad and the Department, so as to be able to advise and assist such officers in reaching the decision in more complex, individual cases pending before them." This expression of an authority to provide for cooperation, advice, and assistance might be thought in the context to exclude a power to review. We note, however, that in the previous paragraph dealing with the Board of Immigration Appeals the committee, though rejecting a proposal to establish it as a statutory body, does not thereby negative the power to the Attorney General to establish it by regulation.

If the decisions of the consular authorities in the field are indeed final, this in our opinion, is an absolutely unsound situation.

In putting the question in its proper light, we must once more advert to the general principles which should determine the spirit of administration. The interest of the potential immigrant is the greatest imaginable. He seeks to lay a foundation for all the future major activities of his life. But, as we have said above, this objective is one in which we too, within the limits set by law, have an important interest. And it is an interest not only of the country as a whole but of the parents, children, brothers, sisters, husbands, wives, other relatives and friends, businessmen, farmers to whom the coming of the immigrant is a vital concern. In short, this is no trivial matter for decision but one of large import.

It has become a fundamental premise of our jurisprudence that the decision of weighty matters should almost never be placed in the power of a single individual free from the control of a superior reviewing body. We search in vain for any parallel in our institutions for this despotic consular absolutism. Relatively few decisions even of Federal judges are free from the possibility of appellate revision. But the consul is not only immune from review but from any other kind of check, even of publicity. If there is such a thing as an axiom of law, it is that where there is power there must be safeguards against the abuse of power. We have no doubt that consuls, as a group, are as conscientious and honorable as any other group of Government officials. We may even assume that they are much more so. Still it is indefensible to give to any man, acting in secret in a remote land, autocratic power to grant or withhold a privilege of such enormous value as that of entrance to this country.

Quite apart from the possibilities of abuse is the necessity, as a fundamental premise of a government of laws, of some means of effective coordination of decisions. Any considerable body of men exercising authority even in the utmost good faith will exhibit a wide variety of judgment as to fact and policy. If their judgments cannot be reviewed at a higher level, there will be distorted judgments of fact based on the peculiar attitudes and limitations of the officer, and differing standards of judgment and policy based on individual conceptions. Our law sets a very high value on equality and fairness of administration. These objectives cannot be secured unless there is review and coordination of field decisions.

Though there are difficulties in reviewing consular decisions, they can be overcome. In practically all cases today the immigrant has a sponsor in this country who will be a source of information. It is possible also that the immigrant could be allowed to come here and present his case, by analogy, to the person who is permitted to enter to plead in support of a proceeding to establish nationality. Another possibility would be a semijudicial officer from the Department operating out the various embassies abroad who would review cases in the field. The working out of the details of procedure can wait upon the major decision that some reform is necessary. Once that decision is made the exact dimensions of the problem can be more accurately gaged by setting up a tentative apparatus which in time would reveal what can be done.

We believe too that such decisions should be ultimately subject to a limited judicial determination of legality. But administrative review is a requisite first step. Judicial review is performed a very limited remedy inappropriate for the day-to-day control and coordination of administrative action. Furthermore, the difficulties of making a record and of providing a proper party defendant would be somewhat met were the administrative procedure to culminate in this country. In the event that some judicial relief were made available, it would be appropriate to consider whether the immigrant's sponsor or relative in this country could be a proper party plaintiff. Compare *United States ex rel. Ulrich v. Kellogg* (30 F. 2d 784, D. C. 1929; husband of alien brings mandamus; lost on merits). The immigrant could of course appear in our courts, but there might be many practical difficulties of making an appearance here. Some of these, no doubt, could be avoided by powers of attorney. Nevertheless, in our opinion we should not be taking too drastic a step in recognizing that, as we have already pointed out, the American sponsors of an immigrant have a very great personal interest. Many of the classifications of the act already give recognition to this interest. And in certain cases, as under section 204 (b), such persons are permitted to petition the Attorney General for favorable action. Thus, it would be the logical extension of an already established principle to allow such persons to become parties plaintiff in a judicial proceeding.

B

We have already referred to the vital matter of visitors' visas, and its relation to long-run considerations of promoting American security by promoting international understanding of American institutions and American life. This is one of the fundamental problems which we face in our efforts for the ultimate attainment of a free world.

Our fears of Communist penetration constitute at present the chief barrier to a solution of the problem. We cannot here undertake a thorough appraisal of the competing considerations involved, much less try to strike a balance among them. On this issue we content ourselves, therefore, with pointing out that it is easy upon a superficial view to underestimate the price that must be paid for complete short-run protection. If we could keep out the last Communist agent, for example, only by barring access to the country altogether, we should lose far more than we could possibly gain.

In at least one important respect it seems possible, without any major reorientation of policy, to avoid needless sacrifice, for the sake of security, of other national interests. We refer to the question of visitor's visas for scholars, students, and professional persons.

It has grown increasingly difficult to bring together in this country distinguished and representative scientists and learned men from all parts of the world to engage in intellectual interchange. Many of these men have found it difficult, humiliating, or impossible to procure a visa. Under our present legislation, aliens who have been associated or are associated with certain organizations or who have entertained suspected views are excludable. We do not here quarrel with these categories of exclusion. Furthermore, we note that the Attorney General, the Secretary of State, or the consular officer may waive the applicability of most of the categories of exclusion. Nor do we quarrel with the fact that the applicability of section 212 (a) (27) and (29) cannot be waived. But the administration of the waiver provisions has been very satisfactory.

Many of the intellectuals of Europe have at one time or another flirted with political leftism, and most of them have now forsaken it. The consular authorities and the secretaries have been hesitant and timid in granting waivers to such persons, probably because they have feared adverse congressional comment.

But the effect on learned meetings in this country has been devastating. Important meetings have been canceled or have proceeded in the absence of the chief authority on the subject discussed. Our scientists and scholars have been the losers. Free interchange and discussion is a condition of scientific progress. Here we have a clear case of cutting off our nose to spite our face.

Yet we would not criticize the administrative authority. What is needed is a lead from Congress. Even the present statute in many of its sections recognizes the interest of the country in learning, scholarship, and science. The statute should specifically make clear this policy in connection with visitors' visas. A group of lawyers and scientists with which we have been connected has worked on legislation which would express a policy of relaxation toward the issue of visas to scholars who are invited to this country by its responsible learned organizations and societies. It is proposed that the Attorney General be empowered to make regulations expediting the grant of visas. The exact form of the legislation and of regulations thereunder is a matter for further study. We have taken the liberty of attaching to this statement a copy of a draft developed last year. It is attached simply as a suggestion of one possible legislative approach to the subject.

III

We shall next direct our attention to the exclusion and deportation procedures, particularly the latter. This Commission is familiar with the recent legal history concerning deportation procedure. The *Wong Yang Sung* case held that sections 5, 7, 8, and 11 of the Administrative Procedure Act were applicable to deportation hearings. This decision was based on the constitutional right of the alien to a hearing before deportation; and incidentally must be taken as a qualification of the somewhat unguarded statement in House Report No. 1365 implying that the power to deport is absolute. See also the excellent judgment of Wyzanski, J., in *Latva v. Nicolls* (106 F. Supp. 658 (D. Mass. 1952)) indicating that there are probably some substantive as well as procedural limitations on the power to deport aliens. The crux of the *Sung* decision was the requirement of independent trial examiners, entirely divorced from the function and the attitude of prosecution.

The Immigration Service thereupon represented to the Appropriation Committee of the House that it would need an additional \$3,000,000 and ultimately \$27,000,000 per year to hold hearings under APA. The Appropriation Committee recommended a rider (which was enacted) to the Supplemental Appropriation Act of 1951 completely exempting immigration proceedings from sections 5, 7, and 8. This, of course, went much beyond the reinstitution of immigrant inspectors for APA examiners. It exempted the hearings entirely from the separation of functions safeguard.

It does not appear, however, that the Immigration Service availed itself of the complete exemption. Its rules reflected many of the APA safeguards. Though the present act repeals the rider, it is not clear how much of 5, 7, and 8 is thereby made applicable.

In any case, the act rejects what is in our opinion the most significant feature of the APA, the independent trial examiner. Deportation and exclusion hearings are to be conducted by special inquiry officers. The officer must not have participated in investigative functions in the very case in which he acts as judge. But he may be currently functioning as an investigator in other cases. It is, therefore, probable that he will have the prosecutory attitudes common to an enforcing staff; probable that he will listen sympathetically to a case developed by his working partners.

The act, furthermore, provides that the presiding officer shall himself conduct the examination of the case against the alien unless the Attorney General provides specifically or by regulation that an additional immigration officer be assigned to present the case on behalf of the United States. To say, as section 242 (b) does, that "no special inquiry officer shall conduct a proceeding in any case * * * in which he shall have participated (except as provided in this subsection) in prosecuting functions," and simultaneously to allow the officer to be given responsibility for building the record against the alien, is discreditable double talk.

We do not doubt the good faith of the Service nor its disposition to give fair hearings. We do not deny that the act is an improvement on the rider of 1951. But we return to the fundamental proposition that the provisions of the APA taken in their entirety represent a careful, well-considered view of the minimal procedural protection needed in a trial involving accusatory elements. This is

not less but indeed more true of deportation proceedings than of other proceedings to which APA is applicable. The interest of a person about to be deported and of his relatives and close friends is among the weightiest and most significant that can be imagined. In our opinion it is unsound to go below the minimum in this case; and it is destructive of the general purpose of APA to admit exceptions in the absence of a showing that the standard procedure is not feasible.

It has been argued by the Immigration Service that the application of the Administrative Procedure Act to deportations would increase the administrative cost from \$3,000,000 to \$27,000,000 annually. This was based on the calculation that all deportees would demand a hearing; that each hearing would consume a half day, and that for every present hearing officer who presently conducts a hearing alone there would be required an attorney and a clerk or stenographer. But the recent majority of deportees are Mexican wetbacks. In their case there is no disputed question of fact; either they lack proper entry documents or have overstayed their time. Wetbacks are presently entitled to a hearing but do not ordinarily claim one. There is no reason to suppose that they will claim a hearing simply because of its greater formality, nor that an attorney can be induced fruitlessly to spend his time on behalf of these penniless persons, nor that such a hearing if held would consume 4 hours.

In the last analysis it seems that some added expense should be hazarded where there is in question such exigent claims to justice. We do not overlook the fact that the new act restores the APA provision for separation of function. But it is just at this point that the APA provision for independent trial examiners is significant. The separation of function is much more than a form; it enjoins an attitude of mind. It seems to us that a special inquiry officer who is a prosecutor one day and an examiner the next will be less apt to develop this attitude than an APA examiner. Even assuming, as may be the case, that the Service provides a corps of hearing officers who do nothing else, they will look to their superiors for promotion as APA examiners do not.

As indicated at the outset, the American Bar Association and its appropriate committees concur in the views here expressed that the present act insofar as it supersedes the Administrative Procedure Act is unsound.

Mr Hart and myself believe, furthermore, that similar safeguards should apply to exclusion hearings. This rests again on the basic premise which, in our opinion, should determine the character of all of the acts' administrative arrangements. The attitude toward the immigrant should be one of friendliness and welcome, a recognition of his tremendous interest in the transaction, of the vital interest of his American relatives, friends, and sponsors, and of the interest of the country. Once he has made the determination to come here, to pull up stakes, to invest in transportation for himself and his family, it is cruel to send him back unless he has received an unimpeachable hearing.

If the foregoing views do not meet with approval, we suggest an alternative for the Commission's consideration. Among deportation cases, those which bulk the largest numerically and those which present the least sympathetic and the weakest case for full procedural protection are the cases of aliens who have entered the country surreptitiously—notably those of the Mexican wetbacks. Although it does not appear to us to be necessary, there would be warrant for exempting from the APA all those deportation cases in which the charge is failure to enter the country by the established procedures through a proper port of entry.

Mr. Hart wishes also to advance a further suggestion. The cases which present the strongest appeal for full procedural protection are those of aliens who have been duly admitted for permanent residence. He believes that the respect which the United States owes to its own prior determination calls, if nothing else, for consideration of the possibility of authorizing deportation in these cases only by judicial process.

IV

We wish finally to note a number of procedural arrangements concerning judicial review and action which trouble us.

(1) Section 360. (a) Declarations of nationality: The present legislation sets up a number of new restrictions on these actions which appear to us to be without justification. Actions under section 360 (a) by residents must now be brought within 5 years of the denial of the privileges of nationality. There should be no time limitation on the right to secure such a declaration of status. This concept applicable to an action for damages is inapplicable here.

But there is a far more important objection. If the person's nationality has been the subject of an exclusion proceeding or presently is the subject of an exclusion proceeding he cannot bring the action at all. Under the present act an earlier adverse administrative ruling has not been held not to be res judicata (*May Ying Og v. McGrath*, C. A. D. C. 1950, 187 F. 2d 199). This has had the effect of doing away with the discredited and discreditable distinction arising under *Ju Toy* (198 U. S. 253 (1905)) and *Ng Fung Ho* (259 U. S. 276 (1922)). In the latter case it was held that a resident was entitled to a judicial determination of citizenship. It was in this case that Mr. Justice Brandeis made his famous observation concerning "the difference in security of judicial over administrative action." But *Ju Toy* continued to govern the procedural rights of a person who was seeking to enter the United States at the time he claimed citizenship; he was limited to an administrative hearing. The strange perversity of this distinction is further emphasized when it is realized that *Ju Toy* had long been resident in this country and had only departed temporarily (Cf. *United States ex rel. Mcdeiros v. Watkins*, 166 F. 2d 897 (2d Cir. 1948)). The holding in *May Ying Og*, supra, had two effects: (1) It permitted the action despite an earlier administrative exclusion; (2) it permitted a judicial trial of the issue of nationality. This is as it should be but the new legislation appears to restore the old procedural distinctions.

The earlier statute and the present statute both provide that a claimant to nationality not physically present in this country may be given a certificate of identity to enable him to come here and make his claim. Under the earlier statute the claim would be adjudicated in a judicial proceeding; under the present statute in an exclusion proceeding. The earlier statute applied to all claims made in good faith. The present statute is applicable only to claimants who have been physically present in the United States. For those who are thereby excepted there appears to be no provision either for a certificate of identity or for an action of any kind. It is possible that the general declaratory action procedure is available. But the claimant will be seriously handicapped if he cannot be present. This is wrong. Insofar as such a person may be a national of the United States he should be given the procedural facilities deemed requisite to a proof of the claim.

(2) Section 242 (a) provides that the courts may review the Attorney General's refusal to admit to bail and release on a conclusive showing that the Attorney General is not proceeding with reasonable dispatch. This language may be read as excluding review on any other ground. In many situations the deportation of an alien will take months and years, and in some cannot be consummated at all. In such instances if the Attorney General is acting with all the dispatch possible, his decision to keep the alien in indefinite custody would (under this reading) be immune from judicial scrutiny. To vest an absolute unreviewable power of detention and incarceration in an executive officer violates one of our greatest traditions. Such powers have been granted or assumed in time of war. We should hesitate in peacetime to turn our country into an armed camp.

(3) Section 340, revocation of naturalization: If the naturalized person be absent from the United States or from the judicial district in which he last had his residence, notice may be given by publication. Such notice is grossly inadequate.

(4) Section 342: The Attorney-General is authorized to cancel documents of citizenship. Notice may be given at the person's last-known place of address. Such notice is grossly inadequate.

APPENDIX A. VISITOR VISAS

Proposed section 212 (d) (9) :

(9) Since the regular procedures for the issuance of nonimmigrant visas give rise to delays which from time to time prevent, contrary to the public interest, the participation of aliens in meetings, conferences, temporary employment, or other transactions in the United States for which customarily participants do not make arrangements long in advance of their occurrence (such as scientific, scholarly, trade, and industrial conferences, employment in temporary research positions, and the conduct of commercial, industrial, or professional transactions), the Attorney-General shall issue regulations, where he finds it to be in the public interest, to expedite the granting of visas to, and the temporary admission of, aliens to participate in such meetings, conferences, temporary employment, or other transactions, and may admit such aliens, pursuant to such regulations, without regard to their possible excludability under any of the provisions of paragraph (28) of subsection (a). Nothing in this paragraph shall be con-

strued to allow the admission of any alien who is excludable under any of the provisions of paragraphs (27) or (29) of subsection (a), nor to limit the discretion of the Attorney General to exclude any alien whose presence in the United States he knows, or has reason to believe, will prejudice the national security.

(There follows a supplementary statement submitted by Prof. Henry M. Hart, Jr., and Prof. Louis L. Jaffe, as an addendum to their prepared statement:)

In our original statement we suggested that the refusal of consular officers to issue visas should be subject to some appropriate mechanism of coordination and control. We understand that this suggestion has been made by others; and that the Commission is interested in it but would like additional statements as to how a plan of control could be worked out.

We are aware of the difficulties in establishing review of consular decisions. The consular officers are spread all over the world, many of them far distant from this country. If there is to be any review in the field, either a great number of reviewing officers might be required or large distances would have to be traversed. If review were restricted to Washington the record might be too inadequate to lay the basis for meaningful action or place upon the consuls heavy burdens of preparing a record. And there are many problems of detail, such as the form which evidence if any is to take, the treatment of confidential evidence in subversive cases, and the like.

Because the problem is a novel one for which there is little precedent, it would be unwise at this juncture to try to elaborate a detailed blueprint; or to be too concerned to develop a system which completely satisfies all claims. Only by setting up a system along experimental lines can the nature of the problems be fully developed. We will do no more, therefore, than to suggest certain broad bases upon which a beginning can be made combined with a generous rule-making power to secure flexibility.

1. A board of review should be set up in the Department of State, with authority to determine whether the action of a consul in denying a visa is "in accordance with law."

2. Whenever a consul denies a visa, he should be required to state in writing the reason for the denial and to communicate this to the applicant, notifying him in the communication of his right to appeal to the Board of Review. To discourage the multiplication of appeals, the notice could properly state that primary authority in the issuance of visas is vested in the consuls; that the Board is authorized to modify or reverse the decision of a consul only if it finds that it is not in accordance with law; and that such action accordingly is extraordinary and to be anticipated only in very exceptional cases.

3. If the applicant chooses to appeal he should so advise the consul within a short period of time. If the consul has based his action upon evidence or information outside of the application, he should embody the evidence in a statement addressed to the Board, and serve the applicant with a copy of his statement, subject, however, to the proviso that if the consul has denied the visa because of subversive activities or associations, and believes that it would be contrary to the interests of the United States to reveal the evidence or the source of the evidence, he should so advise the applicant and transmit the evidence to the Board in confidence and without making it known to the applicant. If, in this or any other case, the applicant challenges the basis of the consul's determination in fact, he should be required to support the challenge with appropriate affidavits.

4. The applicant should be entitled to be represented before the Board either through counsel or through relatives, friends, or employers who are sponsoring his application. The representative should be allowed to introduce testimony or submit additional affidavits, and make oral argument.

5. On the basis of the record thus compiled, the Board would decide either (a) to affirm the ruling of the consul; or (b) to reverse the ruling forthwith and issue a visa; or (c) before final decision, to send an officer abroad to hold a hearing and/or make such other investigation as the Board deemed necessary and to report to the Board.

6. The Secretary should have authority to make rules and regulations not inconsistent with these few basic mandates.

The intention of the suggestions just made is for the most part obvious, but a few comments are in order.

We have been concerned not to impose upon the consul too heavy a burden of formal procedural duties. Thus he is not required to hold any hearings, and in the first instance he is required to make only a short pro forma report. Only in cases of appeal must he formulate a somewhat more elaborate document. The record consequently will be of modest proportions. It will thus limit the work of the board of review.

The board is deliberately given very broad discretion as to the record on which it chooses to act. It will therefore be in a position to sort out the routine from the difficult cases. The use of investigating or hearing officers in the field is placed entirely in the board's discretion. Thus are avoided both the enormous organization that would be required if a field hearing were made routine and the great number of legal problems that would arise if hearing of evidence were given as a matter of right.

The board is given the power to issue a visa. This takes the onus from the consul in a case where he has not seen fit to do so.

The standard proposed for the board's measurement of the consul's decision has a content made familiar by long use. It is to be anticipated that it would warrant reversal in only a relatively few cases. But it is to be anticipated also, from the whole history of American administrative law, that the very possibility of review and reversal would stimulate more careful consideration by the consuls, and thus improve the quality of decisions at least as importantly in those cases that were not appealed as in those that were.

No proposals are made with respect to judicial review, but since the board is given the authority to issue visas it is probable that it can be reached in the District of Columbia by mandamus in a clear case of refusal to act pursuant to law. (See *United States ex rel, Ulrich v. Kellogg*, 30 F. 2d 784, D. C. 1929.)

(There also follows an exchange of correspondence with the American Bar Association pertaining to the foregoing testimony of Prof. Louis L. Jaffe.)

AMERICAN BAR ASSOCIATION,
SECTION OF ADMINISTRATIVE LAW,
Washington, D. C., November 3, 1952.

HON. ROBERT G. STOREY,
*President, American Bar Association,
Republic Bank Building, Dallas, Tex.*

MY DEAR MR. STOREY: The evening of Friday, October 31, 1952, my attention was directed to an article in the Washington (D. C.) Post which had appeared in the issue of Wednesday, October 29, 1952, opposite the editorial page, which included the following paragraph near the end of the article:

"Louis L. Jaffe, chairman of the immigration committee of the American Bar Association, said that, procedurally, the McCarran-Walter [Immigration and Nationality] Act adopted June 27, 1952, over the President's veto (Public, 414, ch. 477, 82d Cong., 2d sess.), 'bristles with hostility to aliens. * * * It is a bacchanalia of meanness.'"

I am drawing this matter to your attention because Professor Jaffe is chairman of this section's committee on immigration and naturalization. I did not see his written statement—probably through oversight or lack of sufficient copies; nor did I hear his oral presentation. My information came in a casual conversation with our section secretary, Miss Patricia Collins. I checked this information with Hon. Benjamin G. Habberton, the Deputy Commissioner of Immigration.

By reason of the misconception of the ABA's position which might be given the public as a result of the newspaper report, I prepared the same evening and delivered to the editor of the Post a letter, copy of which is enclosed.

More immediately, I am concerned with the possible public—or, at any rate, newspaper—misinterpretation of Professor Jaffe's personal observations about the McCarran-Walter Act. I am aware that on occasion representatives of the ABA appearing before congressional committees, even on direct inquiry by committee members, have asked to be relieved from stating their personal views, as perhaps tending to confuse the committee as to the view of the association. While perhaps that is a little extreme, it does seem to me that a possible solution would be for regulation by the board of governors to make plain that article XII of the bylaws, forbidding section or committee or member appearance on behalf of the association without prior authorization of the house of delegates, contemplates that no person so appearing shall include with his statement personal views, even though plainly labeled as such. Further, that he shall not stimulate request from the legislative or other body for a statement of his personal views,

and, if nevertheless request is made of them, that he request an opportunity to appear in his personal capacity for the sake of making response, and to be excused from making the response as part of his appearance or testimony on behalf of the association.

On the other hand, there may be ground to consider unwise the adoption of such regulations. Ordinarily, the good judgment of the lawyer and his sense of propriety will be sufficient restraint and will leave him that freedom to meet the particular situation to which he is accustomed in his ordinary professional work. On the contrary, there may be occasional instance of ignorance of the bylaws, which would be true as well of any regulations under them. And there may be irresponsible intent, regardless of bylaw or regulation, to exploit the high standing the association enjoys with the Congress in order to grind the ax of the particular individual or some interest with which he is aligned. I raise the question, though, of the need for some further attention to this field for what, if any, action you may be inclined to take.

By way of report to the council of the section of administrative law, I am taking the liberty of sending a copy of this letter and enclosure to each member.

Sincerely yours,

JOHN W. CRAGUN, *Chairman*.

AMERICAN BAR ASSOCIATION,
SECTION OF ADMINISTRATIVE LAW,
Washington, D. C., October 31, 1952.

EDITOR, WASHINGTON POST,
Washington, D. C.

SIR: My attention has been directed to an article in the Post by Murrey Marder, Post reporter, October 29, 1952, concerning the McCarran-Walter Immigration Act, and hearings being held by the President's Commission on Immigration and Naturalization. The article states that "Louis L. Jaffe, chairman of the immigration committee of the American Bar Association, said that, procedurally the McCarran-Walter Act 'bristles with hostility to aliens. * * * It is a bacchanalia of meanness.'" So reported, the article may convey to readers an erroneous impression as to the position of the American Bar Association with respect to the recent Immigration Act.

Professor Jaffe is chairman of the committee on immigration and naturalization of the section of administrative law of the American Bar Association. That section is one of the semiautonomous groups within the membership of the American Bar Association, but the section's committee on immigration and naturalization is not a committee of the association proper. To the best of my own belief, there is no similar committee of the American Bar Association.

The section of administrative law is concerned with the administrative integrity of proceedings before Government agencies—the fairness of those proceedings, the right of the individual to be heard, the judicial review of agency determinations, and the like. It supports the Administrative Procedure Act, including the right to a hearing before a Federal hearing examiner who is impartial and who cannot combine the functions of judge, jury, and executioner.

But this section cannot and does not take any position with respect to the policy or substantive aspect of the law. To put it another way: The section's concern is not that there shall be an immigration law, but only that if there is to be such a law the fairness of its administration be guaranteed.

In February 1950, the Supreme Court of the United States held in *Wong Yang Sung v. McGrath* that the administrative hearing in connection with deportation of an alien must be held before a Federal hearing examiner. Thereupon, the Immigration Service obtained an exemption from the Administrative Procedure Act of matters relating to the exclusion or expulsion of aliens. This was obtained by legislative rider to the Supplemental Appropriation Act, 1951, approved in September 1950. It was obtained over the protest of the American Bar Association and its section of administrative law.

While the new act, the McCarran-Walter Act, repeals at least in form the exemption from the Administrative Procedure Act just referred to, there is some question whether it does not still deny to persons involved a hearing before an impartial Federal hearing examiner. To the extent that the exemption from the Administrative Procedure Act may be continued in the new act, that exemption is opposed both by the American Bar Association and its section.

The President's Commission has been directly informed that "the section of administrative law has not been given authority by the American Bar Asso-

ciation to deal in any respect with the ultimate policies respecting immigration and naturalization." It is reported to me that Professor Jaffe's written statement likewise made clear that the American Bar Association was represented by him only as to the problems above mentioned respecting application of the Administrative Procedure Act. I am informed that in his oral presentation the Commission itself could not have been misled as to the scope of the American Bar Association's opposition.

By reason, however, of certain personal views as to the McCarran-Walter Act expressed by Professor Jaffe, it may be that the public attending the hearings mistakenly understood that the American Bar Association opposes the act itself in some such terms as expressed by your reporter—that "It is a bacchanalla of meanness." Whether the immigration policy expressed by that act is mean, or on the contrary lofty and inspired, is a matter as to which the American Bar Association has thus far taken no position. The American Bar Association continues to insist that the Administrative Procedure Act shall apply to the hearings conducted pursuant to whatever act on this subject is adopted if proper standards of administration are to be observed. It goes no further.

Respectfully yours,

JOHN W. CRAGUN, *Chairman.*

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Washington, D. C., November 12, 1952.

MR. JOHN W. CRAGUN,

*Chairman, Section of Administrative Law, American Bar Association,
774 Jackson Place NW., Washington, D. C.*

DEAR MR. CRAGUN: This is to acknowledge receipt of a copy of your letter of November 3, addressed to Robert G. Storey, president of American Bar Association, enclosing a communication of October 31, addressed to the editor of the Washington Post.

Professor Jaffe made it perfectly clear to the Commission when he was speaking for the American Bar Association and when he was speaking for himself and Professor Hart. As far as the Commission is concerned, therefore, I think you need not be concerned about any misconception as to Professor Jaffe's testimony.

However, unless you have any objections, I should like the privilege of incorporating your communication in the record of the Commission's hearing.

Sincerely yours,

HARRY N. ROSENFELD,
Executive Director.

AMERICAN BAR ASSOCIATION,
SECTION OF ADMINISTRATIVE LAW,
Washington, D. C., November 14, 1952.

MR. HARRY N. ROSENFELD,

Executive Director, President's Commission on Immigration and Naturalization, Washington, D. C.

DEAR MR. ROSENFELD: I have your letter of November 12, 1952, acknowledging the copy sent to you of my communication to the Washington Post of October 31, and a letter to President Storey of the American Bar Association of November 3, 1952.

I am gratified with your statement that Professor Jaffe made it perfectly clear to the Commission when he was speaking for the American Bar Association and when he was speaking for himself and Professor Hart, and that there need be no concern about any misconception as to Professor Jaffe's testimony so far as the Commission is concerned.

This accords with my earlier information that the Commission itself could not have been misled as to the position of the American Bar Association.

I will raise no objection to your incorporating the communication in the record of the Commission's hearing as you request.

Sincerely yours,

JOHN W. CRAGUN, *Chairman.*

The CHAIRMAN. Is Mr. Masino here?

STATEMENT OF FILINDO B. MASINO, PRESIDENT, ASSOCIATION OF IMMIGRATION AND NATIONALITY LAWYERS

Mr. MASINO. I am Filindo B. Masino, president of the Association of Immigration and Nationality Lawyers.

With your permission, I will read a prepared statement.

The CHAIRMAN. You may do so.

Mr. MASINO. Mr. Chairman and members of the President's Commission, in recent years our immigration and citizenship policy has become a matter of vital national interest; and during the course of 4 years' time the appropriate committees of Congress have engaged in serious research and study for the purpose of a general revision and modernization of the pertinent statutory and decisional laws. The Association of Immigration and Nationality Lawyers was happy to assist in this commendable work; but I regret to report that the fait accompli is a far cry from the contemplated revision and simplification of the laws. Compare the text of Public Law 414 with the immigration and nationality laws in existence prior to its enactment and you will conclude that 119 printed pages of 142 intricate sections and subsections falls short of democracy in action. Almost every section makes some cross-reference, and there are many which are so involved as to defy the ingenuity of the most gifted advocate or jurist. Without counting references to prior laws, there are 77 sections which contain cross-references to other portions of the law. This leaves only 65 sections that may be read without thumbing through innumerable pages.

It is recognized that racial barriers to immigration and naturalization have been eliminated, that sex equality has been established, and that at least some minimum immigration quota is afforded to each of the free nations of the Asia-Pacific triangle. But these benefits are eclipsed by the maze of intricate language, repressive and inhumane procedures, and unreasonable and calculated encroachments on the constitutional safeguards that have made us a Nation sensible to the responsibilities of moral leadership in the struggle for world peace.

Already, the new law has evinced some deficiencies even before formal operation; and interminable litigation must be expected unless the manifest hardships and errors are timely revised.

The association is grateful for the opportunity to extend its views to this Commission. It is justifiably proud of its pioneering work with the technical staff of the Senate Judiciary Committee, its contribution to the appropriate committees of Congress, and its zealous effort to refine and simplify the constitutional safeguards and procedural guides.

It is always much easier and far more constructive to rouse interest in working for a goal that is affirmative and hopeful than merely to be against a bad situation. It is better to light one candle than to curse the darkness. Hence, we welcome another opportunity to offer constructive criticism of the handiwork of legislators who seem disposed to penalize all immigrants for fear that they may be tainted with subversion and atheism.

If experience means anything, then I think that I can say with unoffending egotism that the members of the Association of Immigration and Nationality Lawyers are particularly qualified to evaluate the omnibus bill. Not only are we laborers in the vineyards of citizenship and immigration but a great number of our members have had the happy experience of working with the Immigration and Naturalization Service, thereby learning the administrative techniques and procedures. If, therefore, advocates in the field of immigration and citizenship have come to grips with the legal problems of aliens, they must, of necessity, have breasted the exciting backwash of congressional and judicial trends.

Several months ago the United States Supreme Court decided that deportation does not partake of the nature of criminal procedure; but this pronouncement has failed to impress the authors and adherents of the omnibus bill. If the exclusion and expulsion provisions of that law are not *ex post facto*, I am reasonably certain that there is an attempt at attainder without the benefit of a hearing or inquiry into the facts.

I think that it is fair time for everyone to stand up and be counted. We can no longer attempt to speak out of both sides of the mouth at the same time, even if our utterings are calculated to secure the United States from subversion by atheistic and anarchistic ideologies. If we would preach the doctrine of freedom and democracy, we must demonstrate the courage of our convictions. The association does not advocate an open-door policy with no holds barred. But, if we are going to treat with foreigners for a better world, then we cannot be guilty of duplicity. In other words, if we intend to be restrictive on immigration, then let there be equality for all peoples. Otherwise, we ought to equate our immigration and citizenship policy on the basis of the greatest good for the greatest number.

Before closing, let me cite two instances in the new law which shout for immediate attention. As a result of the report of the conferees that preexamination has been prohibited, we have the anomalous situation of not being able to work out the adjustment of status of hundreds of aliens who have been accorded this privilege but who will not be able to complete their cases before December 24, 1952, by reason of the lack of clerical facilities at the American consulates in Canada. This is very serious, because the omnibus bill does not in fact prohibit preexamination; yet the State and Justice Departments have interpreted this misinformation in the conference report as enjoining administrative action on preexamination cases after December 23, 1952. Untold hardships will be visited on countless families where the breadwinners may be subjected to departure to the country whence he came, if this can be accomplished, or to some strange country, to await an unpredictable period of time for his visa.

The next anomaly occurs in the savings clauses covered by section 405. Proceedings pending on December 23, 1952, are protected in every respect except applications for suspension of deportation under section 19 of the Immigration Act of 1917, as amended, or for adjustment of status under section 4 of the Displaced Persons Act of 1948, as amended. Although the new law does not become operative until December 24, 1952, section 405 arbitrarily cuts off suspension proceedings and section 4 cases under the Displaced Persons Act after June

27, 1952. I fail to see the wisdom or reason for this arbitrary provision. But, it is in the law, and, unless soon corrected, it will be among the sections to be challenged in the courts.

That concludes my prepared statement. I should like to direct the balance of my testimony for just a few minutes to an observation, to two deficiencies which cry out for correction even before the law has formally become operative; and to spend the balance of the time allotted to our association and me to a criticism—constructive criticism—of the law which will be brought forward by our legislative correspondent, Jack Wasserman.

As a result of the report of the conferees, that preexamination has been prohibited, we have the anomalous situation of not being able to work out the adjustment of the status of hundreds of aliens who have been accorded this privilege, but who will not be able to complete their cases before December 24, 1952, the date on which the new law takes effect.

By reason of the lack of clerical facilities at the American consulates in Canada, this is very serious, because the omnibus bill does not in fact prohibit preexamination. Yet the State and Justice Departments have interpreted this misinformation in the conference report as enjoining administrative action on preexamination cases after December 23 of this year. Untold hardships will be visited on families where the breadwinner is the alien whose status is sought to be adjusted.

Also on families where suspension has been accorded the alien by administrative procedure and the case has gone to Congress for affirmative action, but because of a new policy in the congressional committees those cases have been held up since aliens in many instances are able to effect a departure from the United States, go to Canada, under preexamination procedure, obtain a visa, and come back to the United States. After December 23, 1952, preexamination procedure will terminate.

The next, and very next, anomaly comes in the savings clauses covered in section 405. Procedures pending on December 23, 1952, are protected in every case, except for applications for suspension of deportation under section 19 of the Immigration Act of 1917 or for adjustment of status under section 4 of the Displaced Persons Act, unless the applications were pending on June 27, 1952, the date on which the law was enacted. I fail to see the wisdom or reason for this arbitrary provision, but it is in the law, and unless it is soon corrected is among the sections to be challenged in the courts.

In conclusion, may I present for the record a statement from the Los Angeles chapter of our association, which was addressed to me as national president. It has to do with a subject which is closer to that group than it appears to men practicing in this field in other parts of the country.

The CHAIRMAN. We were in Los Angeles. Did we receive it there?

Mr. MASINO. They mentioned they did not appear before your Commission because of the fact that they knew the association would have representatives from the national board to appear here.

I think in supplementing our statement I should like to present this, if it be acceptable.

The CHAIRMAN. All right, we will put it in the record at this point.

(The statement follows:)

NATIONAL ASSOCIATION OF IMMIGRATION AND NATIONALITY LAWYERS,
LOS ANGELES CHAPTER,
Los Angeles, Calif., October 24, 1952.

MR. FILINDO B. MASINO,
*President, Association of Immigration and Nationality Lawyers,
New York, N. Y.*

DEAR MR. MASINO: By resolution of the membership at our last meeting on October 16, 1952, it was agreed to submit to the national association for possible presentation to or use before the President's Commission on Immigration and Naturalization a résumé of some features of the new Immigration and Nationality Act which are peculiarly adverse from a local viewpoint.

The membership is acutely aware and proud of the activity of the national association in its forthright opposition to the McCarran and Walter bills at the hearings before the congressional committees. We are equally confident of the excellent representation the association will display before the President's Commission.

The large Mexican population in southern California, estimated to be 800,000, points up the absolute discrimination embodied in the act in section 244 (b) wherein natives of contiguous countries and adjacent islands are denied the privilege of suspension of deportation notwithstanding a showing of eligibility under the terms of paragraphs (1), (2), and (3) of section 244 (a). The theory behind this legislation seems to be that the Mexican and other nearby nationals may easily return to their native countries and readily procure a nonquota immigration visa. This reasoning is fallacious from the practical standpoint because it ignores the mechanics of the visa procedure and the substantial waiting time attendant to qualifying for such document.

For example, as a preliminary step to registering and obtaining an audience with an American consul, the Mexican national must procure a passport from the foreign office in Mexico City, D. F., endorsed with permission to journey to the United States and remain here. Those residing within the Los Angeles area, file their applications for passports at the local office of the consul general of Mexico. The following are requisites:

1. Birth certificate.
2. Police clearance certificate.
3. Letter of current employment or evidence of resources.
4. Documentary evidence of residence in the Los Angeles area for at least 1 year.
5. Marriage certificate, if spouse is a United States citizen or legal resident.
6. Proof of the citizenship or legal residence of spouse.
7. Personal appearance of a blood relative of the applicant who will acknowledge in writing a willingness to pay the applicant's expenses to Mexico should his return there ever become necessary.
8. Proof of the employment or resources of the blood relative denoting his ability to undertake such obligation.

Photographs and passport and other minor fees comprise the remaining details. The application is forwarded by the local consulate to Mexico City. The present waiting period for the issuance of a passport ranges upward from 3 months. This waiting time undoubtedly will be tremendously increased when Mexicans can no longer be granted suspension of deportation and must apply for passports in anticipation of pursuing the visa procedure.

After the receipt of the passport, negotiations are begun with an American consulate to establish eligibility for a visa. Currently, the waiting time for an appointment to make formal application for visa, at least at consulates adjacent to the border, is not less than 3 months and more often 5 or 6 months or longer.

The foregoing will demonstrate that, insofar as Mexican nationals are concerned, the ready obtainment of an immigration visa is a figment of the imagination. Those who might meet the requisites for suspension of deportation but are no longer eligible under the new act, including men with families to support in the United States, will face an inordinate waiting time in Mexico before receiving any consideration for return. It has already become the practice, evidently using the strictness of the new act as a guide, for the officer in charge of the Los Angeles district to grant short periods, 30 or 60 days, within which voluntary departure from the United States must be effected. This time is hardly adequate to obtain the essential passport and secure an appointment with an American consul. As a consequence, aliens are separated from their families and employ-

ment while awaiting the completion of the slow-moving visa procedure. Real economic hardship for the alien and his family is the certain result.

While it is known that the requisites for obtaining a Canadian passport are less rigorous, most Canadians will encounter long delays before American consulates because of the large volume of visa work prevailing at those offices.

Congress has certainly given recognition anew to the practice of suspending deportation. Why it should discriminate now against our neighboring nationals, particularly in view of the practical difficulties in securing a visa, is difficult of comprehension. They are as equally worthy of such privilege as other Western Hemisphere natives or overseas nationals. This nefarious unfairness should be wholly eliminated from the act.

Another problem, somewhat local in character, involves the infamous section directed against citizens of the United States, namely, section 360. The language of section 360 (b) effectively denies to persons, not within the United States, claiming a right or privilege as a national of this country, the right to a judicial determination of the claim should it be rejected by the executive officials of the Department of State. The latter will become the sole and exclusive arbiters of the applicant's claim to citizenship. Their dominion over the issuance of a certificate of identity gives indirect control over the applicant's ability to obtain transportation to the United States where he might, despite an administrative denial, prove his citizenship in a court of law.

Section 360 (b) applies equally to persons of all races, but it will have a particularly devastating effect upon west-coast activities in the immigration and naturalization field because of the multitude of children of American parents of Chinese descent who are applying now for travel documents at the office of the American consul general in Hong Kong, British Crown Colony. Those claiming citizenship under statutes of the United States should not be forced to rest their case upon determinations at the executive level, but should have some remedy more commensurate with our legal principles and the priceless concept of citizenship. It is significant that where the rejection of citizenship claims by officials of the Department of State has been tested in the courts under the provisions of section 503 of the present Nationality Act, the plaintiff citizens have been notoriously successful.

Where a certificate of identity is actually granted, allowing the applicant to proceed to the United States for examination by the immigration authorities, the new statute, section 360 (c), evinces a clear design to evade any proper judicial adjudication of the findings and conclusions of the administrative officials by limiting review to habeas corpus proceedings.

It is submitted that the enumerated provisions of section 360 are most unjust and discriminatory and deny to a citizen of the United States an impartial determination of his citizenship by a court of competent jurisdiction. The more equitable provisions of section 503 of the present Nationality Act should be restored.

Some features of the act over which the membership has expressed concern, and which are undoubtedly included in the agenda of the association for discussion are:

1. The pertinacious language of section 244 reserving suspension of deportation for cases demonstrating "exceptional and extremely unusual hardship." Such verbiage will offer unlimited opportunity for the too-strict hearing officer to order denial of the application for relief from deportation.

2. The retroactive effect of deportation charges (sec. 241 (d)). Great hardships will inure to many aliens of long residence, most with families, who will become amenable to deportation under the new legislation. There will be cases of long-time residents who committed minor crimes when quite young—now completely rehabilitated—whose deportation will be sought under section 241.

3. The right to predicate an exclusion, and hence a deportation upon such tenuous language (sec. 212 (a) (9)) as the alien's admission of acts constituting the essential elements of a crime involving moral turpitude. Questions of intent, the overt act, etc., will receive little consideration if past experience is indicative.

A suggestion has been advanced that some appellate machinery should be inaugurated to review decisions of consular officers where issuance of a visa is refused. Often the applicant is a member of a family of American citizens, and the refusal of a visa operates to effect a separation of such family. An appellate board should be established in the office of the Department of State with authority to review the decision and affirm or reverse it. At least there

would then be opportunity for relatives and friends in the United States to intervene and prevent a hasty, unreasonable, or arbitrary decision by a consular officer.

This statement of the Los Angeles chapter is being submitted in quadruple so that it may be presented to the Commission as a portion of the association views should you deem such action advisable.

Fraternally yours,

MARSHALL E. KIDDER.

Chairman, Los Angeles Chapter.

MR. MASINO. Mr. Perlman and members of the Commission, in concluding may I say that I understand one of the members who we requested leave to have appear today before the Commission has testified previously on behalf of some other agencies when the Commission appeared in New York. What he has to offer as part of the message of the association we believe is important. I ask leave that he be accorded just a minute to produce that into the record, but not to make any comments on it.

That is, Mr. Amerigo D'Agostino, from New York.

The CHAIRMAN. He may submit it.

(There follows the prepared statement submitted by Mr. Amerigo D'Agostino, chairman, committee on congressional trends, Immigration and Nationality Lawyers Association:)

STATEMENT SUBMITTED BY AMERIGO D'AGOSTINO, CHAIRMAN, COMMITTEE ON CONGRESSIONAL TRENDS, IMMIGRATION AND NATIONALITY LAWYERS ASSOCIATION

Probably the most serious crisis facing legislators today is the accessibility and organization of human knowledge and experience. We are the unproud owners of an enormous "encyclopedia" which is not even arranged alphabetically. Our "index cards" are spilled everywhere—they are not even in order—yet the answers we want may be buried somewhere in the heap.

It may be stated as a general premise that the legislators in preparing the codification of Public Law 414 considered two basic factors.

One: In the light of available experience, what statutory provisions should be codified, or drafted to fill an existing vacuum in the law.

Two: In the light of possible or probable experience in future, what provisions should be drafted to avoid possible vacuums which the future may bring forth. This mental operation is believed to be instinctive for draftsmen and perhaps the worth of such statute writers may be measured by their ability to fill possible vacuums which might arise in the future.

Another operation, though negative in character, must be added to the two we have discussed. The constant concern not to duplicate or overlap the law. Hence the mental operation might take the following steps:

One: Does not overlap or duplicate.

Two: Provides new provisions for existing cases.

Three: Provides for all possible cases in future.

Our examination deals mainly with the third operation leaving the first and second to future analyses.

This third operation, which rallies all the trained imaginative processes of the draftsman, provides the basis for the havoc and confusion arising out of the use of:

1. Executive discretion
2. Legislative intent
3. Administrative rulings
4. Operational instruction

It is recognized that every statute sets forth one or more conditions which must be met by the fact or facts in order to comply with the applicability of the law. Even definitions when read with this thought in view, are essentially conditions which in all cases must apply to cases or fact situations.

For example: "An alien lawfully admitted for permanent residence" represents a condition, which we can identify as (A). This condition can give rise to two cases. He is or he is not. Yes or No.

If we add to this condition that he must apply "within 5 years"=condition (B) we can have the following cases:

A=Yes=No

B=Yes=No

Thus the number of cases which may arise would be 4.

Let us then pass to the conditions required in section 244 (a) (1):

Condition No. 1. The date now is before June 27, 1957

" " 2. Alien entered before June 27, 1950

" " 3. Has been continuously present for 7 years before application

" " 4. Deportable under any law

" " 5. 19d is not applicable

" " 6. Good moral character for 7 years before application

" " 7. Extreme, exceptional hardship to himself or others.

In this first category 128 possible cases may arise out of which only 1 could fulfill conditions 1 to 7.

In section 244 (a) (2) the following conditions are met:

Condition 1. Alien entered after June 27, 1950

" 2. Not served with final order of deportation

" 3. Continuous physical presence 5 years before application

" 4. Deportable for act or status prior to entry

" 5. Does not fall in 244 (a) (4)

" 6. Had all requisite documents at entry

" 7. Good moral character

" 8. Extreme, exceptional hardship to himself and/or others.

This second category gives rise to 256 possible cases out of which only 1 could fulfill conditions 1 to 8.

In section 244 (a) (3) we meet:

Condition 1. Alien entered after June 27, 1950

" 2. Not served with final order of deportation

" 3. Continuous physical presence 5 years after act or status

" 4. Deportable for act or status after entry

" 5. Does not fall in Sub. 4 or 5

" 6. Had all requisite documents at entry

" 7. Good moral character

" 8. Extreme, exceptional hardship to himself or others

Here we meet with 256 possible cases out of which only 1 could fulfill conditions 1 to 8.

In section 244 (a) (4) we meet:

Condition 1. Entered after June 27, 1950

" 2. Continuous physical presence 10 years after entry

" 3. Not served with final order of deportation

" 4. Deportable under 241 (a) (1) or 241 (a) (2)

" 5. Does not fall with Sub. 5

" 6. Good moral character

" 7. Extreme, exceptional hardship to himself or others

Again we have 128 possible cases only 1 of which can meet all conditions.

In section 244 (a) (5) we meet:

Condition 1. Entered anytime

" 2. Not served with final order of deportation

" 3. Continuous physical presence 10 years after act or status

" 4. Deportable under 241 (a) (4), (5), (6), etc.

" 5. Good moral character 10 years

" 6. Extreme, exceptional hardship to himself or others

Here we have 64 possible cases only 1 of which can meet all conditions. If we add the conditions in each category we have:

Category 1=7

2=8

3=9

4=7

5=6

36 Conditions

Going back to the analyses or mental operations which the legislator made, we find that the process of vacuum elimination, at least inspired by desirable admin-

istrative efficiency in the execution of the law, should aim at a classificatory elimination in a gradual process of exclusion.

Let us then consolidate all of the conditions contained in categories 1 to 5 and on a Yes or No basis establish the total number of conditions upon which the administrative process must impose its fact-finding apparatus.

	1	2	3	4	5
1. Not served with final order of deportation	No.	Yes	Yes	Yes	Yes.
2. Date now before June 27, 1957	Yes.				
3. Date is now after June 27, 1957					
4. Alien entered before June 27, 1950	Yes.				Yes.
5. Alien entered after June 27, 1950		Yes	Yes.	Yes	Yes.
6. Continuous physical presence 7 years before application	Yes.		Yes.		
7. Continuous physical presence 5 years after act-status		Yes.			
8. Continuous physical presence 5 years before application			Yes.		
9. Continuous physical presence 10 years after act-status					Yes.
10. Continuous physical presence 10 years before entry				Yes.	
11. Good moral character 7 years before application	Yes.				
12. Good moral character 5 years after act-status			Yes.		
13. Good moral character 5 years before application		Yes			
14. Good moral character 10 years after act-status					Yes.
15. Good moral character 10 years before application				Yes	
16. Deportable under any law	Yes.				
17. Deportable for act-status before entry		Yes			
18. Deportable for act-status after entry			Yes.		
19. Deportable under 241 (a) (1) or (2)				Yes.	
20. Deportable under 241 (a) (4), etc.					Yes.
21. Deportable under 241 (a) (2)					Yes.
22. Sec. 19d not applicable	Yes.				
23. Does not fall under sec. 4		Yes			
24. Does not fall under sec. 4 or 5			Yes	Yes.	
25. Had all requisite documents at entry		Yes	Yes	Yes.	
26. Extreme, exceptional hardship	Yes.	Yes.	Yes.	Yes.	Yes.

From this table we observe that the total possible cases which may arise under all categories are 65,828,864 and, when time arrives that all 5 are applicable to a set of cases, only 5 out of 65,828,864 can fulfill all the conditions simultaneously.

Further examination reveals additional factors which make it appear questionable as to whether or not the legislator intended to so write this law.

For example, the availability of the remedy of suspension of deportation is limited as to time as follows:

Category 1 available now.

Category 2 available June 28, 1955 and after.

Category 3 available June 28, 1955 and after.

Category 4 available June 28, 1960 and after.

Category 5 available now.

But since 2, 3, and 4 are not available now, category 1 specifically provides that the latest possible entry must have occurred on or before December 23, 1950. Hence, the alien coming in after this date and not falling within 2, 3, or 4 must seek his remedy in 5.

But let us now consider the vacuums, or loopholes.

1. After December 24, 1957, the remedy under category 1 ceases to exist. Therefore, the remedy will be available only to those specifically provided for in 2, 3, 4, and 5.

2. The remedy under 2 and 3 does not apply until June 28, 1955, while remedy under 4 does not begin to operate until June 28, 1960.

3. Remedy under 4 is applicable under either of two bases:

(1) Is deportable because *he was excludable* as being a criminal, prostitute, immoral person, subversive, narcotic law violator; or

(2) Is deportable because *he was excludable* as having entered without inspection or at any time or place other than designated.

4. Provision (2) is identical with the alternative in 5 providing that alien must be deportable under section 241 (a) (2), but the last words in section 241 (a) (2) "or in violation of any other law" would make categories 4 and 5 applicable to any "Alien . . . who entered in violation of any other law . . ."

5. Category 2 applies to those deportable *only* "for act committed or status existed prior to entry"; the obvious conclusion is inescapable that alien was at time of entry *excludable*.

6. It is apparent that categories 2 and 4 are in conflict, because 4 treats with a specific class of *excludables* while 2 seems to say that if the alien cannot use category 4, or is not eligible under it, he may select 2.

Since categories 2, 3, and 4 will not become effective until June 28, 1955, June 28, 1955, and June 28, 1960, respectively, let us observe how many conditions must be considered in the examination of an application for suspension after December 24, 1952, under categories 1 and 5.

Conditions	1	5
1. Not served with final order of deportation		Yes.
2. Date now is before June 27, 1957	Yes.	
3. Date now is after June 27, 1957		
4. Alien entered before June 27, 1950	Yes.	Yes.
5. Alien entered after June 27, 1950		Yes.
6. Continuous physical presence 7 years before application	Yes.	
7. Continuous physical presence 7 years after act or status or entry		Yes.
8. Good moral character 7 years before application	Yes.	
9. Good moral character 10 years after act-status		Yes.
10. Deportable under any law	Yes.	
11. Deportable under 241 (a) (2) (4) etc.		Yes.
12. Sec. 19d not applicable	Yes.	
13. Extreme, exceptional hardship	Yes.	Yes.

The possible cases which may arise under these two categories are 8,192, of which only 2 cases may possibly qualify. These possibilities when considered together with the total of 65,828,864 provided by the composite table bring one to ask if there is possibly any way in which all conditions or an extremely great number of possibilities make for simple and accurate laws and their efficient administration.

In the processing of applications for suspension the Attorney General must of necessity, at this time, consider if the conditions 1 to 13 are met or not.

It has been said that since 13 or extreme or exceptional hardship clause is applicable to both categories, he should put this down as a primary requirement for examination. But he cannot do this because he must answer condition 1 first and 2 second and so on in the mental operational process looking to the applicability of either category 1 or 5.

For administrative purposes we can then visualize a chart based on the 13 conditions with a further breakdown such as the following for the type of testimony or evidence to establish the conditions:

For example:

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Category 4 available June 28, 1960, and after.

Category 5 available now.

But since 2, 3, and 4 are not available now, category 1 specifically provides that the latest possible entry must have occurred on or before December 23, 1950. Hence, the alien coming in after this date and not falling within 2, 3, or 4 must seek his remedy in 5.

But let us now consider the vacuums, or loopholes.

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2. The remedy under 2 and 3 does not apply until June 28, 1955, while remedy under 4 does not begin to operate until June 28, 1960.

3. Remedy under 4 is applicable under either of two bases:

(a) Is deportable because *he was excludable* as being a criminal, prostitute, immoral person, subversive, narcotic law violator; or

(b) Is deportable because *he was excludable* as having entered without inspection or at any time or place other than designated.

4. Provision (b) is identical with the alternative in 5 providing that alien must be deportable under section 241 (a) (2) but the last words in section 241 (a) (2) "or in violation of any other law" would make category 4 and 5 applicable to any "Alien * * * who entered in violation of any other law * * *."

5. Category 2 applies to those deportable *only* "for act committed or status existed prior to entry." The obvious conclusion is inescapable that alien was at time of entry *excludable*.

6. It is apparent that categories 2 and 4 are in conflict, because 4 treats with a specific class of *excludables* while 2 seems to say that if the aliens cannot use category 4 or is not eligible under it, he may select 2.

Since categories 2, 3, and 4 will not become effective until June 28, 1955, June 28, 1955, and June 28, 1960, respectively, let us observe how many conditions must be considered in the examination of an application for suspension after December 24, 1952, under categories 1 and 5.

Condition	1	5	By oral testimony	By I. M. S. investigation	By documentary proof
1.....		Yes..		Yes.....	
2.....	Yes..			Yes.....	
3.....				Yes.....	
4.....	Yes..	Yes..		Yes.....	
5.....		Yes..		Yes.....	
6.....	Yes..		Yes..	Yes.....	Yes.
7.....		Yes..	Yes..	Yes.....	Yes.
8.....	Yes..	Yes..	Yes..	Yes.....	Yes.
9.....		Yes..		Yes.....	
10.....	Yes..			Yes.....	
11.....		Yes..		Yes.....	
12.....	Yes..			Yes.....	
13.....	Yes..	Yes..	Yes..	Yes.....	Yes.

CONCLUSION

We have seen that there arises the need for the legislator in drafting legislation to consider the analytical aspect of the proposed law in the light of two inevitables:

(1) That it provides for the smallest possible vacuum; and

(2) That it provides for the smallest possible number of applicable conditions.

An increase in conditions showers the administration of the law with an almost unsurmountable burden necessitating an intricate apparatus of record keeping which multiplies itself geometrically with each added condition. On the other hand, the danger of the vacuum or loophole arises with a reduction in number of conditions thereby creating interpretative burdens upon the administrator and the courts.

Perhaps the solution lies in the application of new analytic approaches to legislation with simpler or progressively exclusive conditions increasing in number but containing stopgaps along the line of the progression so as to minimize the increasing burden of administration.

The key apparently lies in exact legislation. It is this writer's opinion that section 244 could have been written containing less than 26 conditions and yet achieving ultimate results, indeed more satisfactory, or at least more adaptable to the administrative process.

Exact legislation perhaps may come when the lawyer becomes versed or applies a spatial-time consciousness to his bill drafting. For example, throughout Public Law 414 we recognize two basic premises:

(1) It deals with aliens.

(2) It deals with citizens.

Applying the spatial-time approach, the law could have dealt with the "citizen-alien" at three points in space:

(1) Overseas.

(2) At port of entry.

(3) In the United States.

Depending where the "citizen-alien" is, a certain set of rules and laws apply to him. Certainly when we speak of—

(1) Possible admissibility—overseas.

(2) Admissibility—port of entry.

(3) Deportability—in United States.

Perhaps if the law had taken the alien at each point separately and had expressed the rules applicable to him as he moved in or out the conditions in each case would have been reduced.

STATEMENT OF JACK WASSERMAN, LEGISLATIVE REPRESENTATIVE, ASSOCIATION OF IMMIGRATION AND NATIONALITY LAWYERS

Mr. WASSERMAN. I am Jack Wasserman, an attorney with offices in the Warner Building, Washington, D. C.

I am legislative representative of the Association of Immigration and Nationality Lawyers. I have a prepared statement I should like to read first and then make a few remarks.

The CHAIRMAN. You may do so.

Mr. WASSERMAN. The Association of Immigration and Nationality Lawyers is composed of attorneys who cherish our American way of life, and because of this we opposed S. 716 and S. 2550 which became Public Law 414. And we are still opposed to it.

We do not question the fine motives nor the high purposes which prompted the sponsors of the bill. But the statute speaks for itself. We believe now, as we did when we opposed S. 716, that the provisions of Public Law 414 unnecessarily increase the grounds for exclusion, deportation, denaturalization, and expatriation. We reaffirm our testimony previously rendered. We believe that many—all too many—of the provisions of Public Law 414 are unfair, unwise, unworkable, unjust, unreasonable, un-American, and unconstitutional. As attorneys, we believe in and support the letter and the spirit of the Constitution of the United States. We believe that Public Law 414 was written in complete disregard of the letter and the spirit of the Constitution of the United States. Accordingly, we recommend its repeal. Our association desires to make note of the following observations in connection with the adoption of a constructive immigration and nationality policy in keeping with American traditions and ideals.

1. The essence of true Americanism lies in the absence of distinctions based upon differences of race, creed, color, or national origin, and in the full protection of the rights of all. "The Constitution of the United States * * * embodies the highest political ideals of which man is capable. It insists that our Government, whether State or Federal, shall respect and observe the dignity of each individual, whatever may be the name of his race, the color of his skin, or the nature of his belief" (Justice Black, in *Oyama v. California*, 332 U. S. 633, 649, 650). Discriminations based upon race, national origin, birth in a colony, adjacent island, or in contiguous territory are unworthy of America. These discriminations adopted by Public Law 414 in its quota system and suspension provisions should be eliminated. We advocate a world quota of 250,000 distributed without discrimination of any kind.

2. One of the fundamental constitutional principles decided by an early Supreme Court case (the *Japanese Immigrant case*, 186 U. S. 86, 101) is that under the due-process clause of the fifth amendment, a fair hearing must be accorded an alien before he can be deported. This principle was recently reaffirmed by the highest court of the land in *Sung v. McGrath* (339 U. S. 33). Nevertheless, in complete disregard of this principle, Public Law 414 provides that alien crewmen may be summarily deported without hearings (sec. 252-b) and that certain aliens entering illegally may be deported without granting them any hearing whatsoever (sec. 242-f).

3. Section 242-b of Public Law 414 does not provide for the type of independent hearing examiners which fairness and the due-process clause of the Constitution, and *Sung v. McGrath* (339 U. S. 33), require in deportation cases. Provision is merely made for a special inquiry officer who may be an investigator or prosecutor for the Immigration Service one day and a hearing officer the next, provided that he has not investigated the case he is hearing. In the very case that he hears, the special inquiry officer will be required to develop the case against the alien and then sit in judgment. In addition, contrary to the Administrative Procedure Act (5 U. S. C. 1004, 1010) the special inquiry officer will be subject to control of district directors and Assistant Commissioners of the Immigration Service who engage in investigative and prosecuting functions. We all know that a man who has buried himself in one side of an issue is disabled from bringing to its decision that dispassionate judgment which Anglo-American tradition demands of officials who sit to decide questions. (See S. Doc. 8, 77th Cong., 1st sess., p. 56). Where the same men are obliged to serve both as prosecutors and judges, administrative fairness is undermined, and public confidence in that fairness is weakened. (See Final Report of the Attorney General's Committee on Administrative Procedure, p. 56).

With specific reference to the deportation process, the Secretary of Labor's Committee on Administrative Procedure, the immigration service, reported in 1940 as follows (pp. 81-82) :

"A genuinely impartial hearing with critical detachment is psychologically improbable if not impossible, when the presiding officer has at once the responsibility of appraising the strength of the case and of seeking to make it as strong as possible. Nor is complete divorce between investigation and hearing possible so long as the presiding inspector has the duty of assembling and presenting the results of investigation."

For approximately 60 years, the deportation process has been a blot upon our traditional concepts of Anglo-American jurisprudence. Public Law 414 does not preserve fair administrative procedures required by the Administrative Procedure Act. It seeks to avoid *Sung v. McGrath* and due process of law.

We believe in impartial administrative justice for human rights as well as for property rights. This can only be accomplished by moving forward and not backward, as does Public Law 414. We recommend that a statutory Board of Immigration Appeals be created with power of adjudication in all citizenship and immigration matters. Under this Board rather than under the Commissioner, should be placed all hearing officers, qualified under the Administrative Procedure Act and completely divorced from any investigatory or prosecuting functions. The Board should be invested with power to rule on appeals from exclusion and deportation cases, citizenship and passport matters, status and change-of-status cases, and all denials of visas as well. In this way administrative justice will be achieved in the true American way.

4. Section 246 of the law authorizes the Attorney General to revoke permanent residence of an alien within 5 years after it has been granted, and even to a person who may have become a citizen in the meantime. No provision is made for a hearing, and there is no requirement that such revocation be confined to cases of fraud. We

believe that it was intended that this might be accomplished without a hearing, and accordingly we believe that the section is likewise unconstitutional.

5. Sections 235 and 287 (a) of Public Law 414 authorizes any immigration officer or employee to board and search without a warrant any conveyance or vehicle within a reasonable distance from the external boundary of the United States, and any such conveyance or vehicle anywhere when it is believed that aliens are being brought into the United States, and to arrest such aliens. This means that without probable cause that an alien is being transported illegally into the United States, any immigration officer may board and inspect the automobile of a citizen of the United States, and if he believes that an alien is riding therein, he may arrest him. We submit that these sections authorize illegal searches and seizures in violation of the fourth amendment to the Constitution. The fourth amendment protects citizens and aliens alike from unreasonable searches and seizures (*U. S. ex rel Bilokumsky v. Tod*, 236 U. S. 149). It prohibits unreasonable searches and seizures, and hence requires a showing of probable cause (*Weeks v. United States*, 232 U. S. 383; *Boyd v. United States*, 116 U. S. 616). In our opinion these sections of the law were not intended to comply with constitutional guaranties, and we therefore believe that they are unconstitutional.

6. Section 241 (a) (7) authorizes the deportation of an alien who engages or has a purpose to engage in conduct defined as prejudicial to our interests or has a purpose to organize, join, or participate in subversive organizations designated by the Attorney General. Lack of knowledge of the subversive character of the organization is a defense only where the alien's participation occurred prior to publication of the name of the organization by the Attorney General in the Federal Register. Hence, an alien may be deportable if he had reason to believe that the organization was subversive prior to its designation by the Attorney General. The Attorney General is the sole judge of the reasonableness of the alien's belief. And by the terms of the act (secs. 241 (a) (1) and 212 (a) (29)), if the Attorney General determines in 1952 that any legally resident alien who entered the United States in 1910 was at that time likely to at some time join a subversive organization distributing popular books at a discount, for instance, he can deport him without any finding that the alien himself was or is subversive. Because of vagueness of the conception of what may be prejudicial to our interests (see *Jordan v. DeGeorge*, 341 U. S. 223), as well as because of the fact that the section would require deportation because of a person's state of mind, it cannot be sustained as being in harmony with our Constitution.

7. Section 242 (b) would for the first time in our history allow an order of deportation to be made in absentia. Convictions in absentia are not valid, and we seriously question the validity of a deportation order entered in absentia, even if an alien has been afforded a reasonable opportunity to be present. It will be noted that in matters of this character, the tendency of the Supreme Court has been to apply criminal standards. See the *DeGeorge* case. Certainly a conviction could not be sustained on the ground that the criminal had been given a reasonable opportunity to be present and refused to take advantage of it. At any rate, such procedure for the depor-

tation of aliens should be abhorrent to us, and there is no necessity for the same.

8. Section 342 authorizes the Attorney General to cancel citizenship certificates and other documents by written notice sent to a person's last-known place of address. Similarly, in section 340 (b), provision is made which authorizes denaturalization, by publication, where a person is absent from the judicial district in which he last had his residence, and personal service is not made mandatory in either section. In the light of *Mullane v. Central Hanover Bank and Trust Co.* (339 U. S. 306) the due-process clause would be violated by a statute which authorizes the institution of this type of proceedings by notice sent to a last-known residence, or by publication when the whereabouts of the individual are either known or can be ascertained so that personal service can be effectuated.

9. We believe that there is no place in the United States for second-class Americanism or second-class citizenship. President Madison, the chief draftsman of the Constitution and the recorder of proceedings of the Constitutional Convention, stated on February 11, 1813, that: "By our law, all the rights of natives are given to naturalized citizens." II Letters and other Writings of James Madison 558. The fourteenth amendment made all persons born or naturalized in the United States citizens of the United States. And under our Constitution "a naturalized citizen stands on an equal footing with the native-born citizen in all respects save that of eligibility for the Presidency" (*United States v. Wong Kim Ark*, 169 U. S. 649, 703; *Osborne v. United States Bank*, 9 Wheat. 738, 827; *Lauria v. United States*, 231 U. S. 9, 22, 24). The provisions for expatriation of naturalized citizens merely because they reside abroad not only interferes with legitimate travel by such persons but is inconsistent with the principles which our founding fathers incorporated into the Constitution of the United States. We recommend their removal from our laws. We likewise are in favor of removing the provisions which permit denaturalization for any ground other than actual fraud, and even in such case there should be a reasonable statute of limitations. Naturalized citizens should not be compelled to litigate issues many years after events have faded from the memories of witnesses, when sources of information are no longer readily available, and when proceedings to upset the judgment of naturalization are essentially unfair.

Attention is also called to section 350 which for the first time would forbid a native-born citizen of foreign ancestry who thereby acquired dual nationality, from residing abroad and performing certain acts. Other native-born citizens are not so restricted. This type of discrimination between native-born citizens, obviously based upon ancestry, offends the Constitution. It will be noted that in *Hirabayashi v. United States* (320 U. S. 81, 100) it was stated that "distinctions between citizens solely because of their ancestry are by their very nature odious to a free people."

10. Section 360 would deny to certain citizenship claimants the right to enter the United States to prosecute a declaratory action for American citizenship. This would have the result of effectively denying a person his day in court, and since he has no administrative hearing on the question of his citizenship, it is believed that due process would thereby be violated.

11. Section 349-b of the act creates a conclusive presumption that a dual national who resides abroad for 10 years performs any act—such as voting, Army service, foreign civil service, and even his act of residing abroad—without duress of any kind. Conclusive presumptions, like conclusive findings of fact, are in violation of due process wherever constitutional rights, like citizenship, are involved. (See *St. Joseph Stockyards v. United States*, 298 U. S. 38, 52.) Nothing is clearer than the proposition that citizenship of American citizens may not be arbitrarily taken away. *Perkins v. Elg* (307 U. S. 325). We submit that this section of Public Law 414 is clearly unconstitutional.

12. The United States has more grounds of expatriation than any other country in the world. We alone make voting in foreign elections—even in minor elections in Canada, for instance—a ground of expatriation. We have reached the stage where expatriation of our citizens has reached a point of ruthlessness and arbitrary action equaled only by the Soviet Union and its satellite countries. A democracy such as ours might well examine and reexamine its expatriation laws to see if they are really fair and to be sure that we are treating our citizens justly. Public Law 414 contains the harshest, the cruelest, and the most unfair provisions for expatriation that you will find anywhere in the world.

13. Finally we wish to note our opposition to the totalitarian spirit in which aliens are treated in the deportation and exclusion provisions of the act. Dictatorships grow and thrive when government is permitted to function in vacuums of undisclosed secrecy, arbitrary action, and uncontrolled opinions. In our time we have seen freedom destroyed in many lands upon philosophies such as those incorporated into Public Law 414. Its provisions for exclusion without a hearing in security cases rest upon the undisclosed mental process of the Attorney General in form and upon the unknown views of some minor official in actuality (sec. 235-c).

Judge Learned Hand remarked last Friday that he would prefer to take a chance that some people, * * * even traitors, * * * would escape detection “than spread abroad a spirit of general suspicion and distrust, which accepts rumor and gossip in place of undismayed and unintimidated inquiry.” (See New York Times editorial, October 26, 1952.) Public Law 414 operates upon a theory of general suspicion, distrust, rumor, and gossip. Guilt by association rather than the inherent worth of the individual is the motivating force behind its security provisions (secs. 212-a (28) ; 241-a (6)). And the reckless denial of hearings to individuals who seek entry into the United States with proper documentation is encouraged. International travel and freedom to travel—the greatest source of international good will and a bulwark of peace—has been seriously restricted since the enactment of the Internal Security Act. It is further restricted by Public Law 414.

We cannot encourage democracy at home and abroad and at the same time show the world how arbitrary we are in our immigration laws. We have no place in our Republic for arbitrary laws which vest absolute discretion in an Attorney General to detain aliens pending hearing and after a deportation order (sec. 242-a, c). The exclusion or deportation of aliens should not be made dependent upon the unreviewable opinion of any public official. (See secs. 212-a (15) ; 241-a (8).) Nor should the future happiness of a human being in the United

States be made to revolve upon such trivial violations as failure to register as an alien or the carrying of a hunting gun without a license. (Secs. 241-a (5), (14).)

Public Law 414 restricts or eliminates every humane provision of existing law. It eliminates preexamination, a sensible method of granting deserving aliens permanent residence. It restricts the seventh and ninth provisos (sec. 212-c, d). It restricts suspension of deportation which previously had no residence requirement for aliens with dependents to the limited cases where "exceptional and extremely unusual hardship" is established. It eliminates suspension for aliens with 7 years' residence and no family ties (sec. 244). These provisions eliminate or restrict the humane considerations and benefits previously extended to aliens. Humanity is replaced with inhumanity to persons of foreign birth.

Deportation laws should not be made retroactive (sec. 241-d), and aliens here more than 5 years should automatically be granted permanent residence unless they are Communists, Fascists, or Nazis. No alien with family ties should be subjected to deportation except as a penalty for a crime.

Laws written in the spirit of Public Law 414 are not written with respect for the dignity of man, nor in the spirit of the Declaration of Independence. Such laws are not written with the knowledge that our Government and our institutions are strong enough to withstand the pressures of today's conflicts and controversies. "This Republic will stand, and so will the great free western community of which it is a part, if we continue to believe and to act in the spirit and confidence of our ancient freedoms." (New York Times editorial, October 26, 1952.) Our immigration and nationality laws should be rewritten to conform not to our fears but to our strength, our resources, and our hopes.

MR. WASSELMAN. That ends my prepared statement. I would like to say that yesterday the various departments, the Department of Justice, the Immigration Service, the Department of Labor, pointed out some of the administrative difficulties involved in this law. I would just like to add one before I go to some of the constitutional phases of the bill.

I represent a man in New York whose case is now before the court of appeals. This case is being handled by the United States attorney's office for the southern district of New York. The other day the United States attorney was reprimanded because he didn't have his brief in, and his explanation to the court was that he was in a quandary; he didn't know which side he was on; he didn't know whether he would have to speak out of both sides of his mouth—

This is due to section 335. It requires the Immigration Service to present the views not only of the Commissioner but of the hearing examiner, the designated examiner in Naturalization Service, where the two of them disagree.

Now in this particular case the Commissioner recommended naturalization and the designated examiner was opposed. We are in the court of appeals. Which side is the Government to take in prosecuting that appeal? And the United States attorney is just in a quandary. It is one of the unworkable administrative provisions of this law.

Now the Attorney General pointed out that section 274 of this law had already been declared unconstitutional because it was void for

vagueness according to a district court case in the northern district of California, I believe.

I might add that I argued an expatriation case before the Supreme Court several days ago and Justice Jackson indicated that he felt that section 349-B was unconstitutional. I submit to you that it is clearly unconstitutional. It is a provision to the effect that if a dual national remains abroad for 10 years it is conclusively presumed that anything he does is voluntary without having been subjected to duress; now I can't see how that kind of a provision can be sustained from a constitutional point of view.

There is another section of this law which is now under attack in the courts, and that is section 215. Section 215 gives the President of the United States authority to promulgate additional restrictions upon the exit and entry of aliens and citizens. Pursuant to that the Immigration Service is preventing the departure of temporary visitors of Chinese nationality who have studied science. They get no hearings. They are not told the basis upon which their determinations are made. So you have a situation where it is difficult for the scientists to get into the United States, and once they get in, even though they may have families abroad, they are kept here without hearings. I can think of nothing that is more un-American or unconstitutional than that type of procedure which is sanctioned by section 215 of this act.

Now, in addition, I have listed about 10 additional possible constitutional objections to this bill. We think that the essence of true Americanism lies in the absence of distinctions based upon differences of race, creed, color, or national origin, and in the full protection of the rights of all. We would eliminate all racial discriminations from the law rather than adding new ones.

We submit in regard to hearings that one of the fundamental constitutional principles decided by an early Supreme Court case was that before you deport an alien you have to give him a hearing; yet, in disregard of that well-recognized constitutional principle, in this very law provisions are made for deporting aliens, such as alien crewmen, without a hearing.

We feel much the way Professor Jaffe does about the hearing provisions. We would set up an independent set of hearing examiners, attached to a State-wide board of immigration appeals, totally divorced from anyone in the department who has anything to do with matters of investigation or matters of prosecution. We feel that that is the only way you can bring true impartial administrative justice in the American way to this type of proceeding.

MR. ROSENFELD. Would you have it within the department, though?

MR. WASSERMAN. Not necessarily. As long as they are completely divorced from anyone who has anything to do with prosecutions or investigations.

Now, we feel there are several other provisions like section 246 which makes no provision for a hearing, which authorizes the Attorney General to revoke suspension of deportation. Now normally I think you would say that the Constitution would read into the statute that a hearing must be granted in that type of case; but here you have a bill which in some sections does provide for a hearing, and in other sections does not, and I think on that basis it was the intent of the framers to deny hearings where you revoke the important right of

suspension of deportation. Now if that was their intent, as we think it was, then it is clearly unconstitutional.

We feel that sections 235 and 287-A also give far too great powers to immigration officials to arrest people and to investigate and to board conveyances or vehicles on the assumption that there might be aliens there. Nothing is said about probable cause. Now, there again you might read it in. But here again the provisions of the Constitution were called to the attention of the framers of this legislation and they have refused to recognize the Constitution.

Section 241 (A) 7 authorizes the deportation of an alien who engages or has a purpose to engage in conduct defined as prejudicial to our interest or has a purpose to organize or join or participate in a subversive organization designated by the Attorney General. We think that language is so broad that it is void for vagueness.

Frankly, I don't know whether the Immigration Service—although the law technically provides for it today—has ever attempted to deport an alien in the United States on the ground that at the time of entry his entry would have been prejudicial to the best interests of the United States. They have excluded aliens on that ground. But I think if they attempt to deport them they will be met with constitutional objections and since an alien in the United States has the full protection of the Constitution that type of proceeding will be declared null and void.

Now section 242 (b) will for the first time in our history allow an order of deportation to be made in absentia. Now the Supreme Court has indicated that these types of procedures should be looked at in the same way we look at criminal proceedings. You would never allow a criminal proceeding to be made up when made up in absentia. You should certainly not do that.

Section 342 authorizes the Attorney General to cancel citizenship. We feel that that is sending something to his last-known address. We feel that is inadequate notice under the Constitution and would be violating the due-process-of-law clause.

We also feel no place in the United States is ready for second-class Americanism. We feel that this law doesn't conform to the principles of our founding fathers, nor to the principles enunciated by these Supreme Court cases.

We also call attention to section 350, which for the first time in our history would forbid a native-born citizen of the United States of foreign ancestry from residing abroad with the freedom that he can today. The President commented upon that particular provision and we call your attention to where the Supreme Court pointed out that distinctions between citizens solely because of their ancestry are by their very nature odious to a free people.

We have objection, likewise, to section 360 which in our judgment as noted by Professor Jaffe, would deny the right of an American citizen born abroad to come into an American court and have his citizenship claim litigated. The intent of this particular section was to deny access to the courts to these types of individuals. And I think the motivating force was discrimination against American citizens born in Hong Kong who are attempting to assert their American citizenship.

I already have referred to 349 (b) which we think is unconstitutional, and, finally, I would like to say this about the subject of expatriation: I have studied the expatriation laws of the various countries of the world. I think the United States has more grounds of expatriation than any other country in the world. We alone make voting in foreign elections, even in minor elections, in Canada, for instance, a ground of expatriation. We have reached the stage from expatriation of our citizens to the point of ruthlessness and arbitrary action equaled only by the Soviet Union and its satellite countries. I think there is only one real distinction, frankly, there in Russia, for instance, by decree of parliament a man's citizenship can be taken away by name. They will refer to him and say "You have lost your citizenship." We have so many grounds of expatriation that I feel we don't need to do that. A democracy such as ours might well examine and reexamine its expatriation laws to see if they are really fair and to be sure that they are treating all citizens justly.

Here I might say that the basic theory is to frame a law as something like this, so as to get the individual bad man, and people like that, and in the meantime you hurt thousands of good people.

Frankly, I think the way section 242 is drafted in this regard it was intended to suspend and limit the right of habeas corpus while a deportation proceeding was pending against an alien, because you have to go into court and make a conclusive showing that the Attorney General is proceeding with difficulty or you can't get your right granted. Suppose it takes the Attorney General 2 years to get his papers from abroad; is an alien to be kept in detention during that period of time?

The CHAIRMAN. Thank you, Mr. Wasserman.

Mr. ROSENFELD. Mr. Chairman, at the request of the previous witness, I request permission to introduce into the record a statement submitted by Mr. Allen E. Throop, the chairman of the committee on administrative law, of the Association of the Bar of the City of New York, for the inclusion in the record, in which the committee on administrative law has resolved to urge upon this Commission that entry into this country by an alien entrant holding an immigration visa for permanent residence should not be denied for security reasons except after a hearing.

The CHAIRMAN. That may be inserted in the record.

(The statement follows:)

STATEMENT SUBMITTED BY ALLEN E. THROOP, CHAIRMAN OF THE COMMITTEE ON ADMINISTRATIVE LAW, THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

COMMITTEE ON ADMINISTRATIVE LAW,
THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK,
New York, N. Y., October 23, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Washington, D. C.
(Attention: Mr. Harry N. Rosenfield, Executive Director.)

DEAR SIR: The committee on administrative law of the Association of the Bar of the City of New York has resolved to urge upon your Commission that entry into this country by an alien entrant holding an immigration visa for permanent residence should not be denied for security reasons except after a hearing. The hearing, which might be private, should be before a board of at least three members. The entrant should be informed of the charges against

him in such detail as the board, in its discretion, should determine could be made without endangering the security of the country. The resolution of the committee, a copy of which is attached, was adopted upon the recommendation of a subcommittee consisting of Edward J. Emis, Arthur K. Garfunkel, and Carl S. Stern, chairman.

The committee, in making this recommendation, is mindful of the case of *Knauff v. Shaughnessy* (338 U. S. 537), which held that constitutionally an alien entrant is not entitled to a hearing but that, on the other hand, a resident, as a matter of due process, is entitled to a hearing in a deportation proceeding (*Japanese Immigrant Case* (189 U. S. 86)). The intermediate question whether a resident returning to our shores is entitled to a hearing has just been argued at this term of the Supreme Court, in the case of *Cheur v. Colding* (No. 23).

The committee believes that as a matter of legislative policy, the right to a hearing such as that specified above should be accorded to any person who, on having obtained an immigration visa, has broken with his old environment with the intention of coming to the United States. It is true that, for a new entrant, the stakes may not be so great as in the case of a returning resident; but where a person comes in on a permanent visa, he may have burned all his bridges to seek a new life with us. Accordingly, we believe that the Congress should give recognition to the extreme dislocation, confusion, and hardship suffered by a person who, having received the qualified approval of an immigration visa, is turned back when he reaches our shores.

In an attempt to improve the administration process and to protect against the arbitrary action of administrative officials, the Congress, through the adoption of the Administrative Procedure Act, has set up generally substantial safeguards to insure that administrative hearings are fairly conducted. In the case of an alien entrant, the risks of abuse as a result of the complete elimination of such safeguards are magnified. In the first place, entrants facing the immigration authorities and all the strangeness of a new land, are usually in a pretty helpless situation (cf. Jackson, J. in *Wong Yang Sung v. McGrath* (339 U. S. 33, at p. 46)). In the second place, if there need be no hearing at which an entrant is informed, even in a general way, of the charges by reason of which it is proposed to exclude him, opportunity is afforded to "the malevolent, the misinformed, the meddlesome, and the corrupt to play the role of informer undetected and uncorrected" (dissenting opinion of Jackson, J., concurred in by Black and Frankfurter, J. J., in *Knauff v. Shaughnessy* (338 U. S. 537, 551)). Finally, reported cases have brought out that confidential "information," when exposed to the light, has all too frequently been found inadequate to support exclusion.

The committee is not unaware of the security considerations that call for a strict scrutiny of persons entering the country. It has attempted, however, in the resolution that was adopted, to suggest a procedure that would protect our country while at the same time giving an alien entrant at least some benefit of those traditions of fair play which lie at the root of the American concept of due process.

Respectfully submitted.

COMMITTEE ON ADMINISTRATIVE LAW,
ALLEN E. THROOP, *Chairman*.

COPY OF RESOLUTION ADOPTED BY COMMITTEE ON ADMINISTRATIVE LAW OF THE
ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK ON OCTOBER 9, 1952

Resolved, That the chairman of the committee or any member of the subcommittee on procedure under the Immigration Act be authorized to state to the President's Special Commission on Immigration and Naturalization that it is the recommendation of this committee that entry into this country by any alien entrant who is the holder of a permanent visa should not be denied except after a hearing, which may be private, before a hearing board of three members or more, at which the alien entrant is advised of whatever charge or charges exist against him by reason of which it is proposed that entry be denied to him, information as to the nature of such charge to be in such detail as such board in its discretion shall determine can be made without endangering the security of the United States of America.

The CHAIRMAN. Is Mr. Shishkin here?

**STATEMENT OF BORIS SHISHKIN, REPRESENTING THE AMERICAN
FEDERATION OF LABOR**

Mr. SHISHKIN. I am Boris Shishkin, and I am appearing on behalf of the American Federation of Labor. I was Director of the European Labor Division of the Economic Cooperation Administration for a period of almost 3 years, until spring of last year.

The CHAIRMAN. Were you located in France?

Mr. SHISHKIN. Well, my responsibility was that for entire Western Europe. Our headquarters was in Paris. I also might say that in the course of my duties there I had the occasion to serve as a member of the United States delegations to the three-power Paris Conference and the two ILO conferences on migration, all dealing with the questions of European migration during the period 1949-51.

With your permission, I should like to read a prepared statement.

The CHAIRMAN. We shall be pleased to hear it.

Mr. SHISHKIN. The American Federation of Labor welcomes and appreciates this opportunity to present its views and to assist the President's Commission in its study of the immigration and naturalization policies of the United States.

In undertaking its work, the Commission has assumed a high degree of responsibility. It is difficult enough at any time to assess the wisdom, the validity, and the soundness of legislative and administrative policies dealing with immigration derived from one and three-quarters centuries of growth of the American Republic. It is even more difficult to do so today, when the world has been divided by the totalitarian domination of hundreds of millions of people by Communist dictatorship and when sovereign independent nations are under the immediate threat of Communist encroachment.

Public Law 414 of the Eighty-second Congress, entitled "Immigration and Nationality Act of 1952," and better known as the McCarran-Walter Act, will become law at the end of this year. Although this law, which replaces all previous congressional enactments dealing with immigration and naturalization, contains some obvious improvements over the past practice, in many respects it falls shamefully short of the essential requirements of sound public policy. The President's Commission has been charged with the duty to inquire not only into the shortcomings of this new enactment but also into the kinds of immigration and naturalization policies required to meet the Nation's current needs as well as the problems that lie ahead.

We submit that at this time the Commission efforts should be confined to two important and necessary tasks. First, the Commission should develop concrete recommendations for temporary and emergency measures which the United States must take if it is to live up to the responsibilities of our Nation's leadership of the free world.

Second, the Commission should bring out corrective recommendations which would help Congress eliminate the provisions of Public Law 414 which are inequitable and unjust and which are inconsistent with our national policy and the spirit of our Constitution.

Emergency problems must be met first: We do not believe that it is timely or appropriate for the Commission to undertake at this time the formulation and recommendation of a long-term permanent im-

migration policy. We must be realistic. Today Europe is cut asunder by the iron curtain. Nations in the east, as well as the west, have become Soviet satellites under the control of and in forced allegiance to the Kremlin. Over these nations and over Russia there extends a single rule whose avowed purpose is to destroy the independence of every free nation and, above all, to destroy the American system.

How can we attempt to formulate a fundamental long-term immigration policy in the midst of this division and struggle between the free world and the enslaved Communist world? How can we resolve the far-reaching problems of justice and equity among people of different lands at the time when the totalitarian threat of communism is aiming at our very existence on one side, while the totalitarian Fascist and neo-Fascist oppression is emerging in new forms to endanger and nullify freedom on the other?

We have the choice of either developing a set of theoretical rules on the assumption that all is well with the world; that the world will indefinitely remain at peace, and that our immigration legislation can be carried out under the conditions of normalcy. If we choose to do this, we cannot escape the realization that such an assumption is unrealistic and inherently false. The conditions in the world of today are far from normal. The emergency thrust upon us by the Kremlin must be dealt with first. The danger to us and to our way of life is present and real. We can neither ignore it nor subordinate our laws to abstract considerations.

Our immediate and urgent task is to fulfill our duty and to make effective our leadership in the struggle to make the world free. What we need to do without delay is to place on the statute books temporary and emergency legislation designed to meet squarely the temporary and emergency conditions which prevail now.

There are millions of men and women who have escaped from the totalitarian rule. Many of them have found livelihood and shelter elsewhere, but there are thousands among them who can and must be provided with refuge and an opportunity for useful employment and creative life here in the United States. Refugees and escapees from behind the iron curtain include many who have risked their lives to regain freedom, and who are resolved to work for freedom, for the democratic way of life, and for its advancement. Our immediate consideration should be turned to the immediate solution of this emergency problem.

The American Federation of Labor has supported the enactment of the Celler-Hendrickson bills (H. R. 7376 and S. 3109) to authorize the issuance of 300,000 special nonquota immigration visas over a 3-year period to political and religious refugees from communism and to persons of German ethnic origin as well as natives of Italy, Greece, and the Netherlands.

We must recognize and deal with the problem of political refugees in Western Europe to the full extent consistent with our stability and national interest. We in the United States could not even attempt to resolve the entire problem created by these displaced populations, but we must assume our share of the responsibility in the cooperative effort with other free nations to devise an effective solution for it.

The Celler bill, in addition to dealing with the mass concentration of refugees in Western Germany, also recognizes the pressing problem created by the presence of surplus population in Italy, Greece, and in

the Netherlands. Under the terms of this bill, we can provide at least a small measure of relief to the surplus population pressures in these countries. By early enactment of such a measure into law, we would recognize the acute political problems created by the presence of the danger areas of unemployed and inactive population in these countries of Western Europe. We can do more by providing in addition increased assistance to a cooperative program of migration from these countries to other areas, thus forming a pattern of cooperation among free nations to meet human needs. We strongly recommend that this Commission formulate specific proposals for temporary and emergency legislation to carry out the purposes and objectives of the Celler-Hendrickson bill of 1952.

America's capacity to absorb immigration: There is general agreement today that immigration for permanent residence in the United States must be limited. Our people have attained a high standard of living, comparing favorably with any country in the world. Compare, for example, the per capita income in the United States with that of the countries of Western Europe since the war. To avoid overstating the case, I submit the figures for 1949, the only postwar year in which the United States experienced a mild recession in its economic activity, comparing per capita incomes here and in western European countries, as compiled by the Statistical Office of the United Nations. Shown in table I, these figures indicate that in Switzerland, the country with the highest income standard in Europe, per capita income was only about 60 percent that of the United States. Per capita income in Great Britain was only a little over one-half of ours; in France it was about one-third of ours; in Italy, a bit less than one-sixth; and in Greece, less than one-eleventh of our annual income per head.

Table II provides a similar comparison of the per capita consumption expenditures in 1950-51 between the United States and European NATO countries. Although they are, of course, subject to adjustments and interpretation regarding the differences in customs and the way of life, these figures show dramatically the disparity between the standard of income and living attained in the United States and that in other countries of the west.

Clearly, such a disparity would in itself act as a magnet and would, without limits and safeguards, attract immigration vastly beyond our country's capacity to absorb it. But economic considerations are not alone in attracting migration to our shores. Our freedom, our opportunities, our institutions serve as a further and powerful attraction.

How much immigration is good for us in the United States? At one extreme we find those who would shut the gates of immigration totally and tightly. This is an untenable position to take for a nation which was built and developed by immigrants. At the other extreme are those who argue that the more immigrants the stronger and healthier the country. This, too, could be dismissed as an untenable position, had it not been advocated from time to time by reputable spokesmen.

Surprisingly, this argument was advanced yesterday before this Commission by Mr. Louis H. Bean, of the Department of Agriculture, a well-known and distinguished statistician. Mr. Bean's thesis seems to be that, if the immigration restrictions of the past 25 years did not exist, we would have some 17,000,000 more people in this country,

\$35,000,000,000 more in national income, and \$15,000,000,000 more in wages. He even argues that unrestricted immigration would have shortened the duration of the World War, although it is not clear whether he means that this would have been the case because the men in Hitler's armies would have been fighting on our side.

While Mr. Bean's statement is long on statistics, it is short on economics. It seems unbelievable how such a dynamic argument could be stated in such static terms. His conclusion seems so obvious to Mr. Bean that he doesn't bother to ask what would happen under such a flood of immigration to wage levels, volume of unemployment productivity, or capital formation, to mention just a few factors, and to the balance among such factors, at any point in our experience during the past 25 years.

The problem of the relationship between population growth and immigration on the one hand and economic expansion on the other has been examined by other distinguished but less hasty scholars than Mr. Bean. To name one, Prof. Alvin H. Hansen, in his *Full Recovery or Stagnation* (New York, 1940), considered the difference between our nineteenth-century experience, when a large flow of immigration into an undeveloped economy did provide a stimulus to rapid capital expansion, and the recent decades. While he points out that a declining rate of population growth is likely to curtail investment outlets, he stresses that "there are good reasons why this country could not, without endangering her own security, loosen her immigration restrictions." Apart from the problem of assimilation, there are also those of equilibrium necessary to sustain full employment, as well as the problems of structural organization of our economic activity.

Dr. Julius Isaac, in his thoughtful study, *Economics of Migration* (New York, 1947), considers the relationship between immigration and economic decline and states:

Population growth (through immigration or through natural increase) is undoubtedly a major factor in keeping an economy in full employment by providing opportunities for capital widening. It is, however, more questionable whether the mere addition of new people is likely to have the same effect after dislocations have actually occurred. The normal type of immigrant, the unskilled worker without funds, will not substantially increase the aggregate effective demand for consumers' goods until he has found employment, and it is not easy to see why his mere existence should lead entrepreneurs to take a more optimistic view of the profitability of new capital investment, and so induce a resumption of investment activity and increased employment.

It is true that, if the immigrants are assisted by public funds, they will create an additional demand for consumers' goods, including durable consumers' goods such as houses. Their immigration is therefore likely to have a favorable effect on employment and investment activities. But the immigrants constitute not only additional demand for but also additional supply of labor. They would reduce unemployment only if the number of new openings were larger than the number of new immigrants seeking employment. Other forms of public spending—for instance, schemes for the clearance of slums or an increase in the expenditure on assisting the unemployed—may have the same stimulating effect on employment; these measures would then be a more efficient means of reducing unemployment, since they do not imply an increase in the labor supply (pp. 221-222).

Not only are there differences in the ability of the country to absorb a supply of immigrants in periods of relative labor shortages, as compared with periods of unemployment, but there are also fundamental considerations arising out of a given flow of income distribution. It is absurd to argue, as Mr. Bean seems to, that all we need in order to build more houses is a greater number of people who need housing.

After years of a chronic shortage of housing, we are still experiencing an acute lack of adequate housing facilities within the financial reach of nearly a third of our population. Uncontrolled immigration would greatly aggravate our critical housing problem.

These and other limiting factors need to be taken into account. We should also consider the sharp increase in our rate of population registered in recent years. There is no simple answer to the question of how many immigrants the United States economy can properly assimilate and absorb in a given year, without creating serious dislocations in our structure of population, employment, and wages. At best, we can only say that, under the prevailing economic conditions, a total annual rate of normal as well as emergency immigration of between 200,000 and 250,000 a year would not be excessive or lead to serious dislocations.

In considering oversea immigration, we should also bear in mind that our house is far from being in order here on the North American Continent. Illegal entrants or "wetbacks" continue to come into our country by the thousands, with the Immigration Service and the Department of Labor helpless in their inability to enforce the law because Congress has failed to appropriate the necessary funds on the grounds of "economy." A full-fledged program to deal with these migrants should be put in force and effect.

Nor can we overlook the responsibility we have toward our own American citizens in Puerto Rico. Assisted flow of these workers from the island to the continent is not an immigration problem, but it calls for positive measures in order to safeguard the welfare of these Americans, protect their standards, assure them employment opportunities, and prevent their exploitation.

These are the essential prerequisites to a sound immigration program.

Requirements of a sound immigration policy: In considering the nature of necessary and proper limitations to be placed on immigration, a realistic account must be taken of the policy objective involved. First of all, we must be guided by the considerations of our own national interest and our national security. In this connection, we must make sure that the volume and character of immigration does not adversely affect employment of workers in the United States, and does not impair or undermine the established standards of wages and working conditions. Second, due consideration must be given to the welfare and human rights of the immigrants. Arbitrary administration of both admission and naturalization laws must be prevented and clear safeguards must be placed to prevent exploitation of immigrants added to our labor force. Third, we must fulfill our share of responsibility in meeting the political pressures as well as population pressures in the countries of emigration and thus contribute to the fundamental objectives of our foreign policy.

Let me now turn to some of the specific considerations which we wish this Commission to take into account.

Contract labor: One of the most wicked and vicious aspects of improperly regulated immigration is the existence of contract labor. Essentially, this is an arrangement whereby an immigrant who lands on our shores is already bound by a prior contract with an employer exacting from the immigrant adherence to specific conditions of employment in advance of his arrival.

As far back as 1864, a Republican administration enacted the contract-labor law which authorized the importation of workers under terms no different from the bonded servitude of colonial days. Although that law was soon repealed, the practice of importing contract labor continued and expanded without legal authorities. Companies were organized to supply employers with immigrant labor under contract to man factory machines, to build railroads and highways, and to work on farms. Those who profited by the system advocated it and defended it as did before slave owners who tried to justify slave trade as a means of raising Negroes from barbarism to Christianity. They now wrapped themselves in a lofty purpose of using contract labor to bring the poor of Europe to the land of opportunity.

Widespread abuses of the contract system have given us one of the darkest chapters of human oppression and involuntary servitude in the land of the free. By 1885, Congress passed its first tentative prohibition against importation of laborers under contract, and a few years later made this prohibition more complete and secure. This was further reinforced by the Immigration Act of 1917, which in section 3 specifically provided for the exclusion of contract laborers, under which terms are included persons "induced, assisted, encouraged, or solicited to migrate to this country by offers or promise of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled."

The McCarran-Walter Act repeals this restriction. Its effect is to give sanction to assisted immigrations, as well as to the importation of contract labor. This failure of the new law is not overcome by the provision of section 212 (a), Public Law 414, which calls for the exclusion of aliens. There is no such provision in the Immigration and Nationality Act of 1952. Instead, there is a provision (sec. 212 (a), Public Law 414), providing for the exclusion of "aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor, if the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) sufficient workers in the United States who are able, willing, and qualified are available at the time (of application for a visa and admission to the United States) and place (to which the alien is destined) to perform such skilled or unskilled labor, or (B) the employment of such aliens will adversely affect the wages and working conditions of the workers in the United States similarly employed." We ask for the enactment of legislation which would continue in effect the requirement contained in the previous law that entrance to this country should not be conditioned on performance of labor for anyone and that any worker entering this country should be free to work anywhere.

These principles are fundamental to a free America. It is our moral responsibility to assure a minimum protection and the guaranty of basic rights to those who by their own choice adopt this country as their homeland. Moreover, the protection of immigrant workers against exploitation is essential to protect American workers against substandard competition by unscrupulous employers of immigrant workers. We therefore recommend that the immigration law be amended to include a specific prohibition against the admission of contract laborers.

The purpose of the new provision in the 1952 law is to protect American workers from the threat of either unemployment or low wages resulting from importation into this country of foreign workers, primarily from the Western Hemisphere. We note that the Secretary of Labor has testified before this Commission that the Department has encountered considerable difficulty in attempting to work out procedures for administering this provision.

Whether or not this provision is effective in protecting American workers, the omission of a prohibition against admitting contract labor from the 1952 act withdraws a very necessary protection from immigrant workers. We do not believe, however, that this safeguard is either sufficient or administratively feasible.

We have had current and recent experience with this kind of abuse, even under the Displaced Persons Act. I, myself, have had first-hand knowledge of cases in which recruiting agents from Mississippi have come into Western Germany 2 years ago and actually have exacted written agreements from prospective migrants who would qualify under the terms of that act, in order to place them in employment on Mississippi farms under conditions of virtual peonage under the terms of those advance agreements that were negotiated with them. So that it seems to me we have had current experience and direct responsibility for placing safeguards against one of the worst abuses about which every American is thoroughly informed who knows American history.

Need for statutory standards: A serious problem has developed in the administration of immigration laws which will, no doubt, be intensified when Public Law 414 of 1952 goes into effect. To consider just one aspect of it, the new law establishes a number of grounds for exclusion of aliens from immigration to this country. It would be beyond the scope of this statement to examine each of these grounds one by one. Many of them seem perfectly proper. Others are stated in such general terms that there is reason to wonder whether their interpretation by administrative officers may not result in considerable abuse.

The danger that this will occur seems particularly likely in view of the fact that the act fails to establish proper safeguards or standards for the administration of these provisions. It allows far too much discretion especially to consular officials as well as to the Attorney General and his subordinates for determining in particular cases whether aliens are, or are not, within the excludable classes established by the act.

Before I give one or two examples of this problem, Mr. Chairman, I would like to add a word to indicate that we ought to have a pretty clear appreciation of what we are confronted with in this kind of situation and to whom did the Congress delegate this authority. Consider the consular officers. They are people who are often newly recruited into the service, who are often starting at the bottom of the ladder, who are almost universally greatly underpaid, who are given tremendous responsibility which they themselves attempt to exercise in posts of secondary and tertiary significance; but in the large posts are administered with participation of the alien employees, of necessity, because of the restrictions upon the budgets of those offices. So you have an open field for the vilest, most widespread abuse of dis-

cretionary power if the complete and final responsibility for the kind of recommendation that is made is left in the hands of the consular officer. We need to raise our standards of consular service; we need to improve the conditions of the employment; we need to take notice of the fact that we have a great number of devoted, loyal, and selfless employees who have been working way into the night dealing with the human problem and have made a tremendous contribution to it. But we also have a great deal of disparity in the standards of the officers that are employed there, and I think we have got to deal with these things in concrete terms. To whom is the Attorney General delegating the final authority in many of these cases? Who is going to decide here in Washington or elsewhere in the United States?

Section 221 (g), for example, gives to the consular officer complete discretion to refuse a visa to an alien whom he believes is ineligible to be admitted to this country. In other words, the consular official has the authority to interpret all of the complicated and often vague provisions of the law relating to the exclusion of aliens. Then, on his own authority, and with no provision for appeal by the prospective immigrant, he may exclude an alien whom he believes to be excludable or undesirable. If the alien is able to obtain a visa from the consular official, the Attorney General, or in practice the subordinate officials of the Immigration Service, have the same discretionary power to exclude the alien, again with no avenue for appeal.

To prevent abuse, the act should therefore be amended so as to establish as precise standards as possible for the guidance of officials administering these provisions and a proper appeal procedure for the protection of the prospective immigrant.

There is another provision, however, which deserves special comment. Section 212 (a) (10) provides for exclusion of aliens who have been convicted of two or more offenses "other than purely political offenses" regardless of whether the offenses involved moral turpitude, for which the aggregate sentences imposed were 5 years or more.

A realistic distinction should be made between the justice meted out by totalitarian courts and those which accord with the basic criteria of the law of our own land. In a totalitarian country, such as Communist Russia or Nazi Germany, individuals are arrested and jailed every day for all types of minor violations of the existing laws, or for no violation at all, even though such persons, even under the totalitarian law, are guilty of no political offenses. A worker who is late to work in the Soviet Union may be thrown into jail. This is no political offense and should obviously be no grounds for exclusion from admission to this country. There are many other similar examples. The 1952 law, in effect, accepts Nazi and Communist laws and the decisions of Nazi and Communist police officials and courts as the basis for excluding refugees from totalitarian countries from admission to this country. There can be no justification for such a provision. The law should be changed so that the principles of our own law and our own system of government should be the criteria used in determining whether to admit or exclude aliens.

Full protection of the law must be assured: In a number of its provisions, Public Law 414 seems to pursue the theory that the safeguards of our Constitution are applicable only to native-born Americans. Such is not the case; constitutional protection extends to all

residents of the United States. It is particularly important to make sure that the full force of the due process requirements of the Constitution be applied to all cases involving naturalization, revocation of citizenship, and deportation. American citizenship is indeed a high prize and confers the rights, privileges, and immunities of which no one should be deprived without full recourse to the courts. The checks and balances system of our Government which accords the full measure of constitutional responsibility to our judiciary cannot be made inoperative in cases involving citizenship.

For example, section 241 (d) of the 1952 law provides new grounds for deportation applicable to aliens. Immigrants who entered the United States in a perfectly legal manner in accordance with the laws in effect at the time of their entrance may now be considered to come within the scope of the new provisions relating to deportation of aliens. This provision for retroactive application of the new law violates the constitutional provision against *ex post facto* laws.

The 1952 law also establishes a constant threat to the security of aliens admitted to this country by removing the 5-year statute of limitation which was provided for in the previous law. This means that at any time, long after admission to this country and regardless of whether he was admitted lawfully under the laws then existing, an immigrant may be deported if the Attorney General finds that he falls under any of the categories of deportable aliens.

Section 241 (a) (8) permits deportation of aliens who have become a public charge "from causes not affirmatively shown to have arisen after entry." This puts a burden of proof on the alien which would usually be very difficult for him to sustain. Instead, the Attorney General should have the responsibility for affirmatively showing that the alien has become a public charge from causes which arose before entry.

A particularly objectionable feature of the new law is that it eliminates a wide area of court protection from aliens who are to be deported. For example, section 235 (c) permits an alien to be excluded or deported "in the discretion of the Attorney General" solely on the basis of undisclosed "information of a confidential nature" if the Attorney General believes that the disclosure of such information "would be prejudicial to the public interest, safety, or security." This means that an alien could be excluded or deported without ever knowing the basis for such action and, therefore, without having an opportunity properly to defend his own case. While there may be some few occasions when it is necessary not to disclose confidential information, this provision is too broad and gives too much discretion to the Attorney General.

Section 242 (b) provides that deportation proceedings are "the sole and exclusive procedure for determining the deportability of an alien," and further provides that "the decision of the Attorney General shall be final." There is no provision for appeals to the courts from the decision of the Attorney General. This becomes particularly important because section 241 (a) (1) provides that all grounds for exclusion of aliens are also grounds for deportation. In addition, since interpretation of grounds for exclusion are entirely within the discretion of the Attorney General, in effect he also has complete discretion in determining grounds for deportation.

The grounds for suspension of deportation are narrowed under the 1952 law. Under the 1917 law, deportation could be suspended if it would result in "serious economic detriment to a spouse, parent, or child of the alien." The 1952 law (sec. 244 (a) (2)) permits suspension of deportation only where there would be "exceptional and extremely unusual hardship to the alien or to his spouse, parent, or child." This would make it much more difficult to secure suspension of deportation in meritorious cases.

Another particularly important provision regarding suspension of deportation would restrict suspension of deportation to countries behind the iron curtain to those cases where the Attorney General believes the alien would be subject to "physical persecution." In view of the completely arbitrary character of the way in which laws are administered in Communist countries, it seems very unlikely that the Attorney General could know whether or not a deported alien would be subject to physical persecution. In addition, the deported alien might be subject to other persecution which is not physical. He might be denied an opportunity for employment or housing or even subjected to mental torture which would, in effect, result in persecution although not necessarily physical persecution.

Effective security measures are needed: Historically and traditionally, the policy of the United States has been to extend political asylum to those seeking to escape political oppression and persecution. This right of asylum must continue to be extended. We must clearly recognize, however, that the absolute arbitrary power is now in the hands of the new inheritors of political reaction—the totalitarian dictators. To the maximum extent consistent with our national interest, we must seek to extend the asylum to those who have fled the political oppression of totalitarian dictatorship.

At the same time, we must recognize the need of guarding our country and our system as effectively as we can against political infiltration, subversion, and espionage. This must be accomplished with special measures to meet the special kind of a threat to our institutions, but it must also be done with meticulous attention to equity and justice. Our way of life—the free way of life—holds a promise of hope for all people. In the fulfillment of the promise of freedom lies our greatest strength in safeguarding our system against subversion and infiltration. Yet, in doing so, we must always preserve the fundamental democratic ideal on which rests the whole structure of human freedom.

Conclusion: A sound immigration policy at the present time is one which recognizes squarely the present world emergency and should be designed to meet it. It should give prior consideration to the immediate realities of the threat of communism to the security and freedom of ourselves and our allies. It must be limited by the necessity to safeguard our American standard of living and the standard of income. Consistent with the fundamental and overriding public interest in maintaining the safety, security, and prosperity of the United States, our immigration policy should be at present directed to the primary purpose of extending to those eager for our free life, without regard to race, creed, or color, the opportunity of becoming Americans.

(The tables referred to and statement of the position of the position of the American Federation of Labor on H. R. 7376 follow:)

TABLE I.—*Comparative per capita incomes, 1949*

United States.....	\$1,453	Iceland.....	\$476
Switzerland.....	849	Ireland.....	420
Sweden.....	780	Western Germany.....	320
Great Britain.....	773	Portugal.....	250
Denmark.....	689	Italy.....	235
Norway.....	587	Austria.....	216
Belgium.....	582	Greece.....	128
Netherlands.....	502	Turkey.....	125
France.....	482		

Source: Statistical Office of the U. N.

TABLE II.—*Per capita consumption expenditures in European NATO countries plus Germany, and the United States, 1950-51*

[In current prices]

	Amount	Percent
United States.....	\$1,327	100.0
Average, NATO plus Germany.....	366	25.0
Belgium-Luxemburg.....	545	41.1
Denmark.....	575	43.3
United Kingdom.....	528	39.0
France.....	494	37.1
Greece.....	208	15.6
Italy.....	241	18.1
Netherlands.....	358	25.4
Norway.....	396	29.8
Portugal.....	239	18.0
Turkey.....	115	8.7
Germany.....	312	23.5

NOTE.—Precise comparisons of the levels of consumption expenditures and gross national product between the European countries and the United States are not possible. The conversion into dollars has been made on the basis of official foreign exchange rates, and the purchasing power of the dollar is appreciably higher in most European countries than in the United States. Adjustments to make the figures comparable cannot now be made.

Source: The Mutual Security Agency.

EXCERPTS FROM STATEMENT OF WALTER J. MASON, MEMBER, NATIONAL LEGISLATIVE COMMITTEE, AMERICAN FEDERATION OF LABOR

The American Federation of Labor supports the purposes of H. R. 7376 under which the immigration of an additional 300,000 persons from Europe over a period of 3 years would be authorized.

This bill is a very important one from the standpoint of strengthening the free world in the continuing fight against the tyranny of Communist totalitarianism. The passage of this legislation would be most helpful to the cause of democracy in our show-down struggle with Soviet tyranny in Europe and elsewhere.

For humanitarian as well as practical reasons, the American Federation of Labor gave its wholehearted support to the Displaced Persons Act. For similar reasons, the American Federation of Labor is now favoring the approval of the Celler bill.

Large numbers of anti-Communist refugees have fled from Soviet tyranny in Eastern Europe. These people abhor totalitarian slavery. They have risked their lives to escape from the Communists. These refugees are now in Western Europe. Their presence has created a grave situation in parts of Western Europe which were already afflicted by overpopulation.

The entry of 300,000 additional immigrants over a period of 3 years, with the safeguards provided in the proposed legislation, can be handled by the United States without difficulty. This program would be in the best interests of our Nation.

Naturally, the American Federation of Labor would be deeply concerned if the proposed legislation were to jeopardize the well-being of our own people. But we can see no such possibility under the terms of the Celler bill.

America has not been injured but, on the contrary, has been substantially strengthened by the immigrants who have come into the country under the Displaced Persons Act. Thus, we can speak from experience, and we do so speak when we say that legislation such as H. R. 7376, while it has its humanitarian aspects, is very practical and would be unquestionably beneficial to the United States. The number of immigrants—300,000 spread over a 3-year period—is not excessive. There can be no question of our ability to absorb this number without difficulty.

The American Federation of Labor is opposed to lowering our immigration barriers so that anyone and everyone who desires to come into the United States may do so. There must be limits and there must be safeguards. Followers of the Communist ideology or other forms of totalitarianism are not welcome in our country.

We believe that the Celler bill, as now written, would effectively screen out enemies of our country and those who would be a burden, instead of making constructive contributions. The bill contains the very essential protection that no visa shall be issued to any Communist or to any person who advances or upholds the principles of any political system or philosophy contrary to the United States or to our form of Government.

For these reasons, after careful consideration of H. R. 7376 the American Federation of Labor gives its endorsement to this measure. We believe that it will be helpful not only from a purely domestic standpoint, but in the context of what the United States and the North Atlantic nations allied with us are striving to achieve in Europe at the present time.

We recommend the passage of this bill at the present session. This legislation is in the best interests of the Nation at the present time. These anti-Communist refugees who have fled from Soviet tyranny have shown that they have faith in the promises of democracy. Let us demonstrate to them and to the many millions who are still in Communist chains that their faith in the promises of democracy is not misplaced.

On behalf of the American Federation of Labor, I therefore, urge the committee to recommend the enactment of H. R. 7376, the Special Migration Act of 1952.

The CHAIRMAN. Thank you very much, Mr. Shishkin.

Mr. ROSENFELD. Mr. Shishkin, do I understand the A. F. of L.'s position to be something as follows: That the A. F. of L. is vigorously opposed to unrestricted immigration; that it regards a total annual immigration of somewhere between 200,000 and 250,000 as not being excessive or likely to lead to serious dislocations; and that our immigration policy should have no regard to race, creed, or color?

Mr. SHISHKIN. That is correct.

Mr. ROSENFELD. Now, what is the policy of the A. F. of L. in connection with the allocation within this ceiling of 200,000 to 250,000? Is that intended to be without regard to race, creed, national origin or color?

Mr. SHISHKIN. Well, the American Federation of Labor is devoted to the principle and policy which applies universally and applies to this problem as well as it does to the others. I don't want to leave any doubt in anybody's mind on that score. We support our national policy and the public policy of the United States which applies equitably to everyone without regard to race, color, creed, or national origin. The figure which I placed before you—and it squares with the position taken in the congressional committees, where the federa-

tion was represented—is intended to give a realistic appraisal of the absorptive capacity at this time of our economy as we know it today. That limit may become larger if we develop labor shortages; that limit may become lower if we develop substantial unemployment.

As for the allocation of immigration among the different countries, I thought that I pointed out just as clearly as I could that we feel that a long-term permanent solution, which would bring up to date and modify the concepts laid down 25 years ago, is not a timely or a useful immediate exercise. The timely and the useful thing to do is to take into account and give priorities to the kinds of considerations which are practical, which are realistic, and which are in accord with our basic policy considerations and guiding policies. We have got to take into account the fact that there are human problems. There are dependents; there are families; there are broken families that need to be reunited. There are those who have morally the first claim on residence and citizenship in the United States because of their prior relationship to the people. There are those considerations that are dictated by the present threat of communism in the world. We have got to meet those. We have got to deal with the political refugees and escapees and provide continuity to our revolutionary tradition in providing shelter to those who flee from absolutism. We have to recognize, and we have established in our support of the legislation last summer in connection with the Celler bill, the need for the population pressures and the necessity to find solutions for them. We do not claim that we can provide a full solution. We in the United States can provide only a small portion of that solution, but we must share with other countries in that solution and we must go beyond that on the immigration basis and assist in other flows of migration at the same time. But the primary requirement is that we must share in that responsibility ourselves by accepting people from those countries simply because they come from the great population-pressure areas in the world today. There are other factors also, obviously, but those are the guiding factors on which the choice at any given time of the kind of people that we need to admit prior to the others must be effectuated and accepted.

Mr. ROSENFELD. Thank you. I think that answers the question.

Commissioner O'GRADY. In your experience in European countries, have you observed any adverse reaction to the national origins system, such as a feeling amongst the people in Italy and other countries that they are, in effect, being treated as a kind of second-class citizen? And in view of what you said was the position of your organization, that people should be selected without discrimination on account of race, religion, or nationality, do you still favor leaving the present system as it is and seeking relief now through some type of temporary, flexible legislation?

Mr. SHISHKIN. Monsignor O'Grady, I would like to say first that there is hardly anyone who is more familiar with this problem and who has done more to advance its solution than you have. I think what you mentioned is the feeling expressed by many in Italy with regard to our general immigration policy. I have tried to indicate that at this time, in order to meet the kind of problem that exists there, we have got to meet it in terms of the problem that confronts Italy today, and in such numbers as are necessary to meet it, provided they are consistent with our ability to absorb those people from Italy.

As for the class of citizens, as might be understood by those nations, what class of citizens are there if we are giving as much consideration to a particular quota in one country as against another? What class is Italy in as compared to some other country that is given even proportionately less consideration?

Now, you know perfectly well that I personally, as an individual, have done everything within my power to further the cause of Italian migration, including Italian migration to the United States. I would like to make clear, though, in connection with the position I have expressed here on behalf of the American Federation of Labor, that the purpose of improving that flow without discrimination because of national origin is equally strongly affirmed. However, all that we are prepared to say at this time is that we need to have a quota or a limit, but we are not underwriting a proposition that something that might have been true in 1924 is true, inviolate, and sacred in 1952. We have not so testified before Congress and we do not so affirm now. But while work is being done to develop a long-term solution that will give full fairness to the people of Italy or Greece or the Netherlands or other countries in which those populations might be pressing, in order to give them proper consideration and evolve and gradually and wisely develop a long-term policy, we cannot defer immediate action which will meet those pressures of those countries right now. That is the reason why I am asking that in 1953, at the opening of the Eighty-third Congress, we deal on the emergency basis and give the necessary study, consideration, and examination of the long-term immigration policy so that we will meet and evolve modern approaches and up-to-date approaches that are consistent with our national interest.

The CHAIRMAN. Thank you very much.

Is Mr. Montgomery here?

**STATEMENT PRESENTED ON BEHALF OF WALTER P. REUTHER,
PRESIDENT OF THE UAW-CIO, BY DONALD MONTGOMERY**

Mr. MONTGOMERY. I am Donald Montgomery, representing the United Auto Workers, CIO.

Mr. Chairman, I can help you meet your time problem and also help my necessity for catching an airplane in time by just filing this statement with you on behalf of Walter Reuther, our president. If that will be satisfactory to you, it will be satisfactory to me.

The CHAIRMAN. You may do so.

(The statement follows:)

The membership of the UAW-CIO, numbering over 1¼ million men and women with intense faith in and commitment to the American ideals of justice under law, shares with all Americans a concern as to the well being of our country. As a labor organization we have an additional concern. Our membership stems from many lands and comprises many races. It is joined together in an organization devoted to securing a greater measure of economic security and democracy for its members and for labor generally.

For these reasons we have a concern with immigration and with what happens to the immigrant when he reaches this country. Public Law 414, the McCarran-Walter Act is, we believe, contrary to the ideals we seek as Americans and to our needs as workers in building defenses against the menace of totalitarian communism. We have successfully fought Communists in our union and we know their ways. We also know that J. Edgar Hoover was right when he testified before the House Committee on Immigration in April 1947, that "the great mass of aliens were loyal to America, devoted to the principles of democracy * * *

true to the land of their adoption." It is because of our concern with the menace of communism that we emphatically repudiate the provisions of Public Law 414 which prevents the fighters against communism in Europe from coming to America. Section 212 (a) (10) of Public Law 414 prohibits entrance into the United States of an alien convicted of two or more offenses (other than purely political). Workers who protest speedups behind the iron curtain, who sabotage Red war production, who organize free trade unions such as our own are criminals in the lands under Red domination. If caught in these acts they become criminals in the eyes of the United States and are forever unable to come to our shores.

In America we know no distinction between men is valid unless it is based on their acts. We reject here the theory that Americans of Polish origin are less valuable than Americans of German origin. We insist, and all American history supports our thesis, that America is great because of the contributions of men and women from all over the world. We maintain that to insure the further well-being of America we need the talents of men and women from the world over. We wish, therefore, to go on record as opposing the national origins quota provisions of Public Law 414. Let us substitute for this racist conception the democratic procedure. Let us, as does the law presently, give preference to relatives of residents of the United States in entry, and as for the remainder—let it be first come first served.

Public Law 414 does not, however, exhaust its un-American racist practices with the assignment of quotas. By deliberately designed provisions, section 202 (b) and (c) have the effect of restricting Negro migration to the United States to 100 annually, and restricts to 100 the admission of persons half of whose descent is of "Asian" ancestry. The thousands of non-white members of the UAW-CIO and the millions of non-white Americans who have contributed to organized labor's strength, and who with their lives have sustained us against Communist and Fascist aggressors are overwhelming proof, were any needed, that the measure of a good American is what he does, not the color of his skin, the shape of his eyes, or his religious faith.

One of the strong pressures in the founding of free trade unions and equally strong in maintaining our strength is the fundamental American principle of equal justice under law for all. We have fought, and continue to fight, for this principle within and without the labor movement.

The distinctions between native-born and naturalized citizens in our immigration laws are contrary to the spirit of our Constitution and of our ideals. We must insure that every prospective immigrant and citizen be most thoroughly screened to guarantee, insofar as feasible, his attachment to democracy, his physical, mental, and moral health, and his repudiation of all forms of totalitarianism. But once screened and admitted then the alien and the citizen should be treated alike. What moral, practical, or constitutional justification is there for depriving a naturalized citizen of his citizenship if he resides abroad in a "third country" for over 5 years while any native citizen who does the same thing is not so deprived.

Moreover there is no room in the American judicial system for arbitrary exercise of judicial authority by appointive officials. Equal justice under law demands that the legislative, executive, and judicial powers be separated and not concentrated in one person who makes the rules, investigates violators, prosecutes them, and also acts as judge and jury, while allowing no appeals. This kangaroo-court system is typical of Communist totalitarianism. It must now be admitted, to our disgrace, that such monstrous perversions have recently been enacted into law in the McCarran-Walter Act. Such shameful procedures must be eliminated. Congress should establish a system of issuance of visas and for deportation proceedings designed to maintain national security while providing equal justice under law to all.

Similarly, we believe that grounds for deportation should be clear and definite. The vague reasons given for making deportation mandatory or refusing admission under Public Law 414 are in some cases arbitrary—such as section 212 (a) (15) which provides that aliens "who in the opinion of the consular officer * * * or the Attorney General * * * are likely at any time to become public charges" shall be excluded from admission. Depressions at any time in the future may occur, individuals may through no fault of their own become public charges. Shall any individual in our country be empowered to enforce his personal foibles to the extent of deciding to refuse to admit an alien because such an occasion may 50 years hence occur?

Punishment for crimes committed by citizens result in punishment only of the citizen if he is native-born, but if naturalized he may be deported—punishing both the person and an innocent family. Such arbitrary, cruel, and inhuman requirements are worthy of Stalin—not of America.

The making of ex post facto laws is prohibited by our Constitution by article I, section 9, paragraph 3. But Public Law 414 abolishes statutes of limitation and creates retroactive grounds for deportation. The UAW-CIO believes that such legislation is contrary to the spirit and letter of our Constitution and should be repealed.

As one of the organizations which has worked consistently to widen and increase the benefits of social-security legislation, the UAW-CIO has always supported the independent nonpolitical character of this program. We therefore believe that section 290 (C) of Public Law 414 which destroys the confidential nature of social-security files and makes them freely available to the Immigration Service should be repealed.

To all citizens of the United States, we believe, the idea of arbitrary seizure and interrogation without warrant is repugnant. It violates the basic freedoms guaranteed to Americans. But Public Law 414 permits any immigration official to interrogate without warrant "any alien or person believed to be an alien" as to his right to remain in the United States (sec. 287 (a) (1).) Thus even a native-born citizen, if someone in the Immigration Service believes he is an alien, may be subjected to procedures un-American in spirit and letter. We believe that these provisions should be repealed.

As the CIO testified in Washington in 1946 before the House Committee on Immigration and Naturalization, "Naturally a labor organization representing 6,000,000 American workers could not be inclined to support measures which would threaten the job security of its own members. However, the CIO realizes, from past experience, that immigration is automatically checked in periods of unemployment while it rises in periods of prosperity; that in the past, immigrants have contributed in innumerable ways to the wealth and well-being of this country * * * that new blood in industry, agriculture, business, and the professions enriches our national life; and that the best and most enlightened thought on this subject opposes arbitrary, prejudiced, and superficial legislation to curb immigration into the United States."

There are those who worry about a "flood" of foreigners overrunning our country. As Wheelpton has pointed out (Americanizing Our Immigration Laws, New York 1948, p. 42) if we admit 150,000 foreigners per year—in 1975 we will have fewer foreign born in the United States than we have now. So much for the alleged "flood."

We know that immigrants have helped to make our country great—1940 data show that the 10 States with the highest per capita income had the highest percentage of foreign born, and the 10 States with the lowest per capita income had the lowest percentages of foreign born.

It is for these reasons then that we of the UAW-CIO reject as un-American the present codification of our immigration and naturalization laws known as Public Law 414. We call for legislation which will attract qualified, loyal, new Americans to our shores. We wish to select them without regard to race, creed, color, national origin—subject only to limitations of health, loyalty to American ideals, and security standards. When they come here we demand that they be treated in accord with the words of George Washington, "happily the Government of the United States * * * gives to bigotry no sanction, to persecution no assistance." Let us once more make these words true in the field of immigration and naturalization.

The CHAIRMAN. Mr. Haywood, you are the next witness.

STATEMENT OF PHILIP MURRAY, PRESIDENT, CONGRESS OF INDUSTRIAL ORGANIZATIONS, PRESENTED BY ALLAN S. HAYWOOD, EXECUTIVE VICE PRESIDENT, CONGRESS OF INDUSTRIAL ORGANIZATIONS

Mr. HAYWOOD. I am Allan S. Haywood, executive vice president of the CIO, speaking for President Philip Murray of the CIO.

I would like to say, Mr. Chairman, that we recognize this is not a legislative body. Therefore, we shall deal with the general questions

of public policy. We will not attempt, section by section, an analysis of existing laws. We will go along with the figure presented by the representative of the American Federation of Labor as to the number of immigrants. I am now stating the case for President Murray, and it can fit my own personal life, as he and I both came from the British Isles as immigrants when we were boys.

With your permission, I should like to read Mr. Murray's statement.

The CHAIRMAN. We shall be pleased to hear it.

Mr. HAYWOOD (reading statement of Mr. Murray). I appreciate this opportunity to appear before the Commission and to give our views on the important public issues which this Commission is considering. I shall deal with the major questions of policy involved, rather than with the minutiae of legislation which is now on the books. If agreement can be reached on the basic principles, their implementation will be relatively easy. The problem, then, is to decide on what basic principles our immigration and naturalization laws should rest.

Immigration policy: The CIO favors a liberal immigration policy. We favor such a policy both from humanitarian motives and because we think such a policy is in the best interests of the United States.

In all frankness, how could the Congress of Industrial Organizations conceivably take any other position? Had this country not generously extended welcoming arms to me, I might have spent my life trying to eke out a meager existence in the coal mines of Scotland.

The heads of several of our international unions, besides myself, emigrated to this country. Many of our members did. In other cases it was their parents or grandparents who came over. It is a truism that if we go back far enough, all Americans are descendants of immigrants.

We who have come to this country from other countries know that immigration has benefited us. We know that it has, over the years, benefited millions of others by permitting them to leave the poverty and tyranny of the old world and start life anew in a free country whose boast is equality of opportunity for all.

We sincerely believe, moreover, that immigration has not only benefited the immigrants but has benefited the United States as well. The great transcontinental railroad construction of the nineteenth century was made possible only by the back-breaking toil of tens of thousands of Irish and Chinese immigrants. The farms of the Middle West, which have become the granary of the Nation, were hewn from the wilderness by German and Scandinavian immigrants. During the latter part of the nineteenth century and during this century our great industrial plants have in considerable part been manned by immigrants or the sons of immigrants, Italians and Slavs, and men of many other races.

Nor have immigrants contributed only their muscle. Many of this Nation's finest scientists today are men who were born across the seas. Dr. Albert Einstein's vital contributions in many fields, including the development of atomic energy, are well known. And only this last Friday the Nobel prize for medicine and physiology was awarded to Dr. Waksman of Rutgers for his discovery of streptomycin. Dr. Waksman came to this country from the Russian Ukraine as an immigrant 42 years ago.

That is why we favor a liberal immigration policy.

This liberal immigration policy should, we think, encompass three separate situations. There is, first, the need for a liberal permanent, or rather long-run, immigration policy. Secondly, there is the immediate need for special relief for the persons displaced by World War II who still, more than 7 years after the war's end, have not found permanent homes. Thirdly, there is the current problem of offering special refuge to the streams of refugees who continue to find their way through the iron curtain.

I shall address myself first to these last two phases of our immigration policy.

Surely this country should, on an emergency and special basis, open its gates and afford haven to the displaced of World War II who have not yet found homes. We can be proud that our country has already given refuge to large numbers of those displaced by World War II, but we should not rest until the problem is completely solved. We cannot longer leave these people in temporary refuges. This country along with others, must do its share toward providing them with permanent homes.

We need, too, a special program for aiding the brave refugees who are now reaching Western Europe from the countries behind the iron curtain. The courage and the determination to live in freedom shown by these people should be rewarded and encouraged. They have, at grave risk to themselves, proved their devotion to democracy and their enmity to Communist totalitarianism. Yet as these new pilgrims reach the promised land of the west they are simply herded into the old DP camps, where they wait for month or years, unemployed and without hope. This intolerable condition must be ended. Both humanitarianism and common sense dictate that we, in cooperation with other free lands, find homes for these people.

I come now to the question of what our permanent long-range immigration policy should be.

I have said that we in the CIO favor a liberal immigration policy. What do I mean by liberal? I mean that we should be willing to admit to our shores each year a generous number of immigrants, and that in their selection there should be no discrimination based on color, religion, or racial origin.

I am, of course, aware that there was a time when the labor movement of this country was fearful that unrestricted immigration would undermine union wage standards. I do not know whether these fears were ever well grounded. In 1940-41, the five States with the largest number of immigrants had an average annual per capita income of \$891, or about twice the \$453 per capita income of the five States with the smallest number of immigrants.

It may be that large-scale immigration stimulates production and rising wages. This country, until it adopted a policy of sharply restricting immigration in 1924, admitted immigrants whose numbers annually (except during World War I) approximated 1 percent of the current population. I do not believe that any evidence has ever been adduced that immigration on this scale adversely affected wage scales in this country or the economy of the country; if anything, the evidence seems to be directly to the contrary. Hence it appears that this country could, without danger to its wage scales or economy, absorb each year a very substantial number of immigrants. If results

harmful to the United States should develop from too large-scale immigration, Congress could always reconsider the question.

I have said that we should extend the right to immigrate to all of the world's peoples without regard to race, religion, or color. We in the CIO believe that one man is as good as another, regardless of his race or his religion or the color of his skin. We in the CIO not only believe that: We practice it. Our unions are open to all, and all are accorded equal treatment, equal rights, and equal opportunity. We believe, moreover, that no race has any monopoly on virtue or talent, and that the various cultures can each make great contributions to our civilization, given freedom to develop and stimulation to achievement.

This means, of course, that we oppose the national-origins quota system which has been utilized in this country since 1924. We do not see any virtue in limiting immigration according to the percentages of various racial stocks in this country at a particular period of time, as 1920 under the present legislation. During the 345 years since Europeans first settled in this country, the racial composition of the country and of various parts of it have undergone numerous and far-reaching changes. Indeed, the idea that the racial composition of our population can be frozen, which seems to underlie the racial-origins quota, is childish in the extreme. We are unable to see, however, that these changes in racial stocks have done this country any harm in the past, and see no reason to anticipate harm from such changes in the future.

The choice of 1920 as the year embodying the ideal composition of racial stocks shows the fanciful nature of the whole concept. Are we to suppose that in that year the country's population reached an all-time high in virtue, intelligence, and physical well-being? There is, of course, nothing to support such a conclusion, or to indicate that whatever attributes the 1920 population may have had had anything to do with the then prevailing distribution of racial origins.

Another important issue of general immigration policy has to do with the qualifications which immigrants should be required individually to meet. There is, I should suppose, general agreement as to the exclusion of criminals, those having communicable disease, etc. The controversy which has raged about this issue in the last few years has revolved rather about the question of what consequences should be made to attach to a would-be-immigrant's past political views and associations.

Here, too, we in the CIO believe that a liberal policy should be followed.

Certainly, we should take care to exclude from immigration to this country Communist spies or saboteurs. It is, however, quite another thing to say that we will not admit anyone who was ever a totalitarian adherent no matter what his or her proven opinion may be now.

This country has in the past demonstrated its capacity to absorb and to convert to our democratic system of Government people of diverse political persuasions. To say that we cannot do so now is to doubt the vitality of our democratic faith and the power of our society to demonstrate its advantages to those who have known another system. The very fact that people choose to leave the society in

which they were born to come to this country is itself some indication that they are favorably disposed to our institutions.

We should remember, moreover, that people brought up in certain countries at certain periods may have become Communists or nazis virtually automatically. There are probably few adults now in the confines of the Soviet Union, and few among the thousands of immigrants currently escaping through the iron curtain, who are not excluded from admission by the political standards of our present laws. These individuals may have broken irrevocably with communism, and now be prepared to devote their lives and knowledge to fighting Communist aggression. By treating them as forever tainted in our eyes, we deprive ourselves of their help and make ourselves ridiculous and unreasonable in the eyes of the foreign nations and people we seek as allies. We likewise greatly impair our capacity to appeal to others behind the iron curtain to abandon their Communist allegiance in favor of democracy. For how can we hold out our hand to them and at the same time turn our back?

Naturalization, denaturalization, and deportation: Let me now outline somewhat more briefly the policy the CIO thinks this Nation should pursue as regards naturalization, denaturalization, and deportation.

The principle in which the CIO believes, and which controls our attitude on these issues, is a very simple one. We believe that the naturalized citizen should have the same rights and be treated the same way as native-born citizens. We adamantly oppose the conception that naturalized citizens are second-class citizens, and that their rights are less than those of native-born citizens. We strongly object, therefore, to such provisions as that in recent legislation making naturalized citizens subject to denaturalization for contempt of Congress. Once a person has been naturalized and admitted to the rights and privileges of American citizenship, we believe that his citizenship should be subject to forfeit on only two grounds: (1) Fraud in the procurement of the citizenship, or (2) as a punishment for crime, as in the case of natural-born citizens.

Nor would we permit these principles to be whittled away by treating as fraud trivial or incidental misrepresentations. The only sort of fraud which should be permitted to vitiate citizenship is deliberate and intentional fraud on an issue which would have prevented naturalization.

What I have said about denaturalization applies, too, to deportation following denaturalization. Once a man has become an American citizen and has, as he must to become an American citizen, foresworn his allegiance to the country from which he came, he is, in our view, entitled to remain in his country and is its responsibility.

At this point, indeed, another consideration, in addition to justice to the individual, enters the picture. What basis has this country for asking another country to take back individuals who renounced their allegiance to that country and became American citizens years ago, even though they may now have turned out to be undesirable citizens? We believe that other countries are quite within their rights in refusing to take back their former citizens.

If naturalized citizens are guilty of crimes they should be punished as are other citizens. Punishment should not include denaturalization

and deportation; else they are denied the full status of American citizens.

The final point to which I wish to address myself has to do with the deportation of resident aliens, that is of immigrants who may have lived here for years but have never been naturalized.

I am advised by counsel that people in this category enjoy very little in the way of constitutional or legal protections, because the Supreme Court has held that for an alien to reside here is a matter of privilege and not of right, and that deportation is not "punishment" so that it can be inflicted without regard to the rights to which a defendant in a criminal trial is entitled. But regardless of what the legal rights of alien residents may be, it is our moral obligation to treat them fairly and decently.

There are two principles which, it seems to me, should be observed in framing a policy on deportation. The first is that the grounds for deportation should not be changed retroactively. As I understand it, during the recent revisions of the immigration laws, new grounds for deportation were added and were made retroactive. That means that a resident alien, who came into this country perfectly legally years ago, can now be deported for reasons that did not bar his entry when he came in. This seems to me grossly unfair and unjust, and to violate the principle against *ex post facto* legislation. Deportation is in fact a punishment, whether or not it is so as a matter of legal technicality.

Even worse, under these new revisions of the immigration laws, a resident alien can be deported for conduct which not only did not bar his entry, but which may have occurred, and been repented, long ago. It seems to me difficult to conceive legislation more grossly unfair than this.

The other principle which it seems to me should guide us with regard to deportation is that the authorities administering the law should have sufficient discretion to enable them to take humanitarian considerations into account. These resident aliens about whom we are talking may have lived in this country for years, may have married spouses who are American citizens, and may have children who are American citizens. Deportation of the alien may mean intolerable hardship for the family. The officials enforcing the laws should therefore have authority to look at the whole picture and decide whether, in the light of all the circumstances, the national interest will or will not be served by deportation of an individual. The laws should be administered in a liberal and humanitarian, rather than a technical and punitive, spirit.

Conclusion: Each passing decade has shown that our Nation cannot live in isolation from the rest of the world. We cannot be prosperous while the rest of the world starves; we cannot be militarily secure if the rest of the world succumbs to aggression. Increasingly, the well-being of this Nation has become interwoven with that of other nations.

Our immigration policy is a part of our over-all national policy. For us, at the very time when we are striving to build a mutual security system in cooperation with our allies abroad, to make our immigration and naturalization laws ever more virulently isolationist and anti-foreign, not only makes very little sense: It embarrasses us in the

pursuit of the wider objectives of our foreign policy. Both our national interest and the deep humanitarianism which has always characterized Americans as a nation require that we reverse this trend of the last 2 years, and establish a new policy on immigration and naturalization which will be consistent with twentieth century conditions and ideals.

Mr. HAYWOOD. That is the position of the CIO.

The CHAIRMAN. Thank you very much, Mr. Haywood. Please inform Mr. Murray we appreciate his participation in this matter.

Mr. ROSENFELD. Mr. Chairman, before the next witness, may I introduce some materials in the record on the part of the people who are unable to be here. First, Mr. Thomas Kennedy, vice president of the United Mine Workers of America, has expressed his regret to the Commission at being unable to be here owing to previous commitments.

Mr. Lewis K. Gough, national commander of the American Legion, had first written that their organization wanted to be heard, and then subsequently on October 17 advised that representatives would not appear personally, and has submitted a statement of its position which I would like to incorporate in the record.

Mr. Allan B. Kline, president of the American Farm Bureau Federation, and Mr. Lloyd C. Halvorson, economist for the National Grange, wrote letters; and Mr. H. L. Mitchell, president of the American Agricultural Workers Union, A. F. of L., asked for permission to file a written statement before November 1.

The CHAIRMAN. Those documents may be inserted in the record, which may also remain open at this point for incorporation of the statement of Mr. Mitchell when it is received.

(The documents follow:)

STATEMENT SUBMITTED BY LEWIS K. GOUGH, NATIONAL COMMANDER, THE AMERICAN LEGION

THE AMERICAN LEGION, NATIONAL HEADQUARTERS,
October 17, 1952.

Mr. HARRY N. ROSENFELD,

Executive Director, President's Commission on Immigration and Naturalization, Washington 25, D. C.

DEAR Mr. ROSENFELD: Supplementing my letter of October 3, this is to advise that representatives of the American Legion will not personally appear before the President's Commission on Immigration and Naturalization at its scheduled hearing in Washington on October 27 and 28.

During the past several years a number of Legion officials have appeared before congressional committees on this subject. Such testimony, which is public record, states the Legion's position thoroughly.

Enclosed herewith is copy of our Americanism Manual (prepared and distributed by the National Americanism Commission, the American Legion, Indianapolis, Ind.) with the belief that you might be interested in the section on immigration and naturalization on pages 40 and 41. This sets forth in broad terms our long-range policy on this subject.

Sincerely,

LEWIS K. GOUGH, *National Commander.*

EXCERPT FROM AMERICANISM MANUAL

Prepared and distributed by the National Americanism Commission, the American Legion, Indianapolis, Ind.

IMMIGRATION AND NATURALIZATION ACTIVITIES

The Legion's interest in immigration and naturalization is concerned primarily with two phases of the activity. One is legislative and conducted only at national levels; whereas, the other is in naturalization schools for the foreign-born, which are entirely a local activity. The Legion does not assist with individual immigration admissions, appeals or deportations, but will from National Headquarters try to direct to the proper Federal authority individual veterans who have problems concerning admission of their dependents. In complicated cases the Legion will refer the cases for advice to one of its experts in the field of immigration.

The American Legion has consistently opposed any great influx of immigrants and has insisted that immigration should be on such a moderate and regulated scale that immigrants may be readily absorbed into the life stream of our country. The Legion has insisted that immigrants should not be admitted in such numbers that they would displace veterans from either employment or housing. In pursuit of these general policies, it has supported the National Origins Act of 1924, which set a quota for immigration from the respective countries in proportion to the number of United States citizens, who themselves or through their ancestors originated in the respective countries. The Legion has vigorously opposed exceptions to this quota system, except (1) as they applied to honorably discharged wartime veterans of the United States Armed Forces, their brides, wives, or immediate dependents, and except (2) emergency admission of 200,000 displaced persons as the United States' fair share of the humanitarian task of rehabilitating persons displaced by World War II. The Americanism Commission, working through the Legislative Commission, watches closely all legislation affecting immigration, frequently appears before congressional committees holding hearings on immigration matters, collaborates closely with the Immigration and Naturalization Service in an attempt to see that this Service secures funds for adequate enforcement and to call to the attention of the Immigration Service evasions of law or practices within the Service which the Legion deems to be inimical to the welfare of the Nation.

CITIZENSHIP SCHOOLS FOR THE FOREIGN-BORN

United States citizenship is a priceless treasure. The person who possesses it is guaranteed many valuable rights and privileges. He is, at the same time, required to perform the obligations and duties necessary to safeguard this country from all enemies, both from within and without.

A very fundamental problem in many communities of the Nation is the assimilation of our foreign-born population. This segment of our population must be led to adopt American ideals and customs, and to respect our form of government. Citizenship is not an obligation thrust on unwilling aliens; they should be encouraged, however, to become citizens.

The preparation of immigrant petitioners for American citizenship, thus fitting them to accept their responsibilities as citizens and helping them to solve the problems of every-day life in America, has been an important program of the National Americanism Commission since its formation in 1919.

American Legion posts in many communities throughout the Nation are conducting schools for the purpose of preparing petitioners adequately to take out citizenship papers. Graduates of these classes are welcomed with impressive ceremonies into their new estate as citizens of the United States.

In every community where classes are being prepared for naturalization or where there is a large unnaturalized group, the local posts of the Legion can perform a valuable and effective civic service by instituting citizenship schools for the foreign-born. This should be done in consultation and in cooperation with the Federal court, which will be charged with the naturalization proceedings and

in cooperation with other civic organizations which are in a position to offer effective leadership and instruction in citizenship. Post leadership should be effected in an unobtrusive manner, but with a keen sense of responsibility for the type of instruction given to these new citizens. No instructors should be permitted to continue in these schools who are doubtful or pessimistic about the benefits of our form of government or who feel it necessary to stress the frailties and shortcomings of our national heroes and national leaders.

STATEMENT SUBMITTED BY A. B. KLINE, PRESIDENT, AMERICAN FARM BUREAU FEDERATION

AMERICAN FARM BUREAU FEDERATION,
Chicago, Ill., October 8, 1952.

Mr. HARRY N. ROSENFELD,
*Executive Director, President's Commission on Immigration
and Naturalization,
Washington, D. C.*

DEAR MR. ROSENFELD: Your kind invitation for me to present the views of the American Farm Bureau Federation on immigration and naturalization policies at the hearings which are to be held in Washington on October 27 and 28 is appreciated.

It will not be possible for me to participate in these hearings; however, I desire to bring to the Commission's attention a resolution on immigration which was adopted by elected voting delegates from our State farm bureaus at our last annual meeting as follows:

"United States immigration policy should be made to serve and support the over-all national policy on international relations. Study should be given to a substitution of selective immigration for our present quota basis. Persons should be admitted who have demonstrated ability to advance the general welfare and whose technical skills, techniques, and labor are needed to supplement our own, either by naturalization or by issuance of 2-year renewable visas revocable at all times for cause."

Sincerely yours,

A. B. KLINE, *President.*

STATEMENT SUBMITTED BY H. L. MITCHELL, PRESIDENT, NATIONAL AGRICULTURAL WORKERS UNION, AFFILIATED WITH THE AFL

WASHINGTON, D. C., October 9, 1952.

Mr. HARRY N. ROSENFELD,
*Executive Director,
President's Commission on Immigration and Naturalization,
Washington, D. C.*

DEAR MR. ROSENFELD: We have your letter of October 6, announcing the hearings of the Commission on Immigration and Naturalization and your invitation to submit a statement of our views on this matter.

I do not believe that it will be possible for a representative of our organization to be in Washington on the days set for the public hearings; however, we will file a written statement setting forth our views on or before November 1.

Would it be possible for you to send a copy of the McCarran Act to our research and education director, Dr. Ernesto Galarza, 1972 Bird Avenue, San Jose, Calif.? We would also like to have a copy sent to this office.

Yours very truly,

H. L. MITCHELL, *President.*

NATIONAL AGRICULTURAL WORKERS UNION,
Washington, D. C., November 25, 1952.

Mr. HARRY N. ROSENFELD,
Executive Director, President's Commission on Immigration and Naturalization, Washington 25, D. C.

DEAR MR. ROSENFELD: Attached is a statement for inclusion in the record setting forth the views of our organization on certain phases of the immigration and naturalization policies under the new law.

Sincerely yours,

H. L. MITCHELL, *President.*

Our organization has long been concerned with the problems created by the entry of illegal aliens into the United States in violation of our immigration and naturalization laws.

Since 1941 the number of illegal aliens from Mexico apprehended by the border patrol and deported to Mexico has increased each year from approximately 40,000 in that year to nearly 600,000 in 1951. Over 90 percent of such illegal aliens enter the United States for the purpose of engaging in farm work.

We realize that this problem has its economic basis in the poverty of workers in Mexico, and that it is coupled with a desire on the part of many large farm operators in the Southwestern States to secure an abundant supply of seasonal labor for exploitation.

We believe that the problem of illegal entry of Mexican workers into the United States has been accentuated by the policies of United States Government agencies in negotiating annual agreements with the Republic of Mexico for the legal entry of 45,000 to 200,000 contract workers from Mexico each year since 1942. It has been legally possible since that date for unemployed or underemployed Mexican citizens to enter the country for seasonal work and this has acted as a magnet, drawing hundreds of thousands to the border towns from deep in the interior of Mexico. When the Mexican worker arrives near the border and finds that he cannot be accepted as a legal contract worker and enter the United States, it is a relatively easy matter to cross the 1,600 miles of practically unguarded boundary. Once in the United States there are always employers who will hire them at wages so low that few native Americans will accept. This legal importation of Mexicans has created the vicious situation now prevailing.

As the Mexicans enter the country, whether legally or illegally, native workers must leave if they expect to earn a living for their families. The majority of such resident workers are Mexican descent. An example of what happens is shown in the town of Calexico, Calif., in the rich Imperial Valley. Prior to 1942, approximately 400 local resident families lived in the town and worked on nearby farms. Today, there are only nine farm-worker families living in this small town. The work on the nearby farms is done by Mexican wetbacks or contract nationals. This legal and illegal entry of foreign workers into American agriculture has been one of the prime factors in preventing the improvement of wages and working conditions of American citizens. In 1940, real farm wages were 26.4 percent of the real manufacturing wages in industry. By 1946 farm wages were 40.9 percent of factory earnings but by 1951, in spite of the Korean war and increased productivity of workers (nearly threefold) the real wage rates fell to 32.6 percent of factory earnings.

In our opinion these policies of Government agencies which permit the importation of labor from Mexico, the British West Indies and elsewhere, are not only inflicting a grave injustice to American citizens dependent on farm work but in the long run will prove disastrous to American agriculture.

We believe that the immigration laws should be amended to provide that any employer who knowingly hires an illegal alien shall be penalized by a heavy fine or a jail sentence. This is the only means we can see of preventing the invasion of illegal aliens from Mexico. Without employment opportunities there will be little incentive for wetbacks to enter the country in violation of our immigration laws.

The legal importation of contract workers from Mexico should be ended with the expiration of Public Law 78 in December 1953. And further, employers should be prohibited from importing temporary seasonal workers from the British West Indies.

Once agricultural employers are required to secure their labor supply from domestic sources, they will speedily improve the low wages and poor working conditions that prevail in large-scale agriculture at the present time. There is no reason why agriculture cannot compete with industry for workers since great strides have been made in increasing production through mechanization and, in addition, there are Government guarantees of fair prices on basic crops grown in the United States. The law guaranteeing prices provides that the cost of hired farm labor shall be taken into account in determining the parity-price index on which the guarantees are based.

We point out further that few, if any foreign workers are ever employed on the family-owned farms, but the continued importation of legal and illegal workers into the United States makes it possible for the large-scale factory-type farm to offer increased competition to the family-type farmer. Contrary to all of the accepted ideals and goals for an American agriculture based on family ownership and operation, these factory-in-the-field farms are increasing and their production

now exceeds 25 percent of the total food and fiber products sold on the market. This production is based on a cheap labor supply.

We want to make it clear that we have no objections to workers from any country or of any race, nationality, or creed coming into the United States on a permanent basis. We believe agriculture should and can absorb its share of immigrants from other lands; however, we believe it would be a great injustice for immigrants coming into the United States to be dumped into agriculture to work at low wages and under conditions few Americans are willing to accept. Nearly all of the displaced persons brought in from the refugee camps of Europe during the past few years to work in agriculture have now found their way into industry. A change from a DP camp in Europe to a sugar plantation in Louisiana, where wages at starvation levels were paid and living conditions as horrible as those from whence they came, caused the sponsors of one such project to speedily remove the DP's from those farms.

In section 274 (b), Public Law 414, there is a provision that seems contrary to all previous concepts of the duties of an American citizen. Heretofore, the idea has always been accepted that if a citizen saw a law being violated it was his duty to prevent a crime being committed. Here is a provision in the McCarran-Walter Act which prohibits any person except regular officers from arresting an illegal alien in the event he sees the law being violated.

This section grew directly out of the activity of members of our union who in 1951 assisted border-patrol inspectors in apprehending Mexican wetbacks by placing them under citizen's arrest if they were found crossing the border in the Imperial Valley of California. The employers of illegal aliens used their influence to see to it that Public Law 414 contains section 274 (b). We urge that this subsection be removed.

STATEMENT SUBMITTED BY LLOYD C. HALVORSON, REPRESENTING THE
NATIONAL GRANGE

NATIONAL GRANGE,
Washington, D. C., October 21, 1952.

MR. HARRY N. ROSENFELD,

Executive Director, President's Commission on Immigration and Naturalization, Washington, D. C.

DEAR MR. ROSENFELD: We appreciate your letter of September 29 inviting Mr. Newsom to present the National Grange's views on immigration and naturalization policies. He has referred your letter to me. The National Grange policies on this subject are not well defined, but we do have two suggestions which we ask that your Commission consider.

Shortly after the war agricultural producers in various countries of the world joined together to form the International Federation of Agricultural Producers. This organization is supported by farm organizations in 26 different countries. It has offices in Washington, D. C., and Paris, France. At one time, the IFAP here in Washington sought to employ an eminent economist from the Netherlands. It was impossible to get a permit for him to work in this country without an extreme delay. This situation discouraged the employment of this economist and somewhat antagonized the other IFAP members. We recommend that there be a provision in our immigration laws to allow easy entry for people employed by international agencies which derive their funds from international societies. It might be necessary to screen prospective employees of such international organizations for security reasons, but the law should clearly require that this be done within a 60-day period after requests have been made for such screening by officers of the international organizations. I believe that labor organizations, as well as farm organizations, have run up against this problem.

Our second suggestion is that countries which were our allies during World War II and which were unable to fulfill their immigration quota during that period be allowed to make up the deficit in the quota accruing since World War II began. We understand that the number of people desiring to immigrate to the United States from many of these countries is far greater than their quota. For this reason we believe that our immigration laws should seek to select those who have skills and intelligence of such nature that they will fit well into our economy and way of life. It has been increasingly difficult for farm operators to find competent and reliable hired men, and if the present trend away from the farm continues the American people might have to reduce the quality and level of their present diet. This would be undesirable from the standpoint of the

American people as a whole, and also from the standpoint of farmers who need and can use extra labor if it is of a high quality. The immigration laws should seek to keep out those people who only create social friction, resist Americanization, and want to avoid good hard work, and might even prefer a dole to earning their own income.

Again I thank you for this opportunity to present our views. We may have a broader policy after our next annual session, which will be held at Rockford, Ill., November 12-20, 1952.

Sincerely yours,

LLOYD C. HALVORSON, *Economist*.

The CHAIRMAN. Is Mr. Skelley here?

STATEMENT OF FRANCIS D. SKELLEY, NATIONAL FIRST VICE COMMANDER AND DIRECTOR OF THE NATIONAL AMERICANISM PROGRAM OF THE CATHOLIC WAR VETERANS OF THE UNITED STATES

MR. SKELLEY. I am Francis D. Skelley, of West New York, N. J., national first vice commander and director of the national Americanism program of the Catholic War Veterans of the United States of America.

I have a prepared statement I wish to read.

The CHAIRMAN. You may do so.

MR. SKELLEY. I am here at the direction of National Commander Thomas J. Cuite, in response to your invitation to him, to present the views of the Catholic War Veterans concerning the immigration laws of the United States.

The Catholic War Veterans of the United States of America is a national organization of veterans of the United States Armed Forces with members in every State, one of whom, Thomas Walsh, past national commander, is present with me as an adviser in my discussion with you.

We present the following for the consideration of this committee in the hope that our suggestions will find favorable reactions and become part of the basic recommendation of your committee to the President, Congress, and the Senate.

We concern our discussion with the whole problem of admittance to our country and its possessions, through legal immigration and the attainment of ultimate citizenship with its continuance under law.

We offer the following observations and suggestions:

The present system of immigration quotas based on the national-origin percentage figures in relation to the 1920 census should be discarded. A change to the 1950 census would be only a minor adjustment. Immigration is caused chiefly by social, political, and economic conditions in the country of origin of the emigrant. Thus, in some years, the applicants from some countries far oversubscribe their quota while the desire of nationals of other nations to become residents of the United States often is much below the allotment number. We therefore find our immigration acceptance continuously off balance from the quota system as designed. This unbalance is particularly acute at the present time because of the system of quota mortgaging by DP emigrants.

We recommend an annual over-all immigrant figure be established, determined annually, based on our economic ability to absorb them based on housing, employment, etc. Each country should receive a

starting acceptance quota. This system would permit the inclusion of peoples of new nations created by world readjustment. However, when full quotas are not required by a country or countries, a distribution of all unused quotas should be made proportionally among the nationals of countries seeking admission beyond allotment until the full total established figure be depleted in each year. The quota figures for each country should be redetermined annually, the quota revision to take into consideration the number of people from each country desiring to immigrate.

We urge that the quota basis be revised as mentioned above. This will give proper weight and consideration to the numbers of applicants desiring immigration.

The admission of DP's should be treated as a humane act of this Nation of freedom and plenty by the grace of God, and the haven of refuge, which has been cited to them, be regarded as such. The quotas thus far designated and established should not in any way restrict future generations of their nationals from the privilege of freedom and opportunity. Thus, the mortgaged quotas from all nations due to DP immigration should be eliminated completely, and in view of this we urge that additional DP's be invited and that we expand our acceptance of peoples from overpopulated areas—all this outside of our present quota system. The President made commendable recommendations to Congress on this matter during its last session.

Present laws on naturalization and the loss or revocation of citizenship are so complex and confusing that they may tend to discourage seeking citizenship by an emigrant rather than enkindling a desire for immediate naturalization.

We recommend that all regulations, restrictions and qualifications pertaining to naturalization be promulgated in a simple, understandable code of requirements to minimize any confusion on the part of the would-be citizens and which will make them fully aware of their rights and responsibilities with penalties for false and/or fraudulent action or statements in this attainment.

We maintain that citizenship, whether naturalized or by birth, should carry with it the full protection of the Constitution, and that no infringements, threats, or qualifications on those protections be permitted.

We are conscious of the fact that every American citizen is the offspring of emigrants of some generation, and, in the spirit of Christian charity and true patriotism we desire for others the opportunity to obtain for themselves and their offspring that which by the grace of God and the open arms of America was extended to our forebears.

We thank you, gentlemen, for your consideration in inviting us before you today. That, gentlemen, is the position of the Catholic War Veterans.

The CHAIRMAN. Thank you very much.

Is Mrs. Reynolds here?

STATEMENT OF MRS. BRUCE D. REYNOLDS, CHAIRMAN OF THE
NATIONAL DEFENSE COMMITTEE OF THE NATIONAL SOCIETY,
DAUGHTERS OF THE AMERICAN REVOLUTION

Mrs. REYNOLDS. I am Mrs. Bruce D. Reynolds, chairman of the national defense committee of the National Society, Daughters of the American Revolution.

I wish to read a prepared statement.

The CHAIRMAN. We shall be pleased to hear it.

Mrs. REYNOLDS. I wish to speak in behalf of the National Society, Daughters of the American Revolution, in support of the immigration and naturalization law as enacted by the Eighty-second Congress and approved by the Sixty-first Continental Congress of the National Society, Daughters of the American Revolution.

We do not profess to be authorities on immigration, but we have confidence in the Senate subcommittee composed of men duly elected by the citizens of this country and assisted by experts from the Immigration and Naturalization Service, the Visa Division and Passport Division of the Department of State, the Office of Legislative Counsel of the Senate, and by the Central Intelligence Agency. Surely the conclusions of this committee, working for approximately 4 years with such expert advice, holding extensive hearings before which scores of witnesses representing numerous organizations testified, surely the conclusions as set forth in Senate bill 2550, twice approved by the Congress of the United States, should be worthy of a fair trial.

I have read that, at our present rate of increased population, by the year 2000 we will have reached the saturation point in population if we are to maintain our traditionally high standard of living.

It is most unfortunate that some parts of the world are overpopulated. But why hasten the same condition here through excessive immigration? According to the present immigration law, approximately 200,000 immigrants will be admitted annually, whereas under a substitute bill, defeated, about a million and a half immigrants would have been admitted.

Even at the peak of employment under wartime conditions, there are about a million unemployed in this country. If we let down the immigration bars so as to admit the millions of excess population from other nations, our unemployed will increase by leaps and bounds. Our native citizens either will be put out of work or else they will be taxed to pay unemployment compensation and old-age insurance to Europe's surplus population. Why not let that surplus population remain in Europe and help form their own European defense forces? And here I would like to add that by "defense forces" I am not speaking alone of military forces, but the defense forces in relation to building up their agriculture, in building up their industry, and in governing themselves. If they are such valuable citizens, they should be needed at home.

The present immigration law is based on the needs of the United States, and that is exactly what it should be based upon. Nevertheless, it is a fair law. It has removed racial and other discriminations, and that part dealing with the Asia-Pacific triangle was endorsed by the Japanese-American Citizens League and by the Filipino Federation of America. It also provides for more thorough screening, for security risks, of aliens seeking to enter this country.

The Daughters of the American Revolution have given the present immigration law, effective December 24, 1952, our approval. We feel that a bill so strongly approved by the Congress of the United States at least should be given a fair trial before it is tampered with.

The CHAIRMAN. Thank you very much, Mrs. Reynolds.

Mrs. REYNOLDS. Thank you for the privilege.

The CHAIRMAN. Is Mrs. Roe here?

STATEMENT OF MRS. J. FREDERICK ROE, REPRESENTING THE NEW YORK STATE ORGANIZATION, NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION, AND THE NEW YORK CITY COLONY, NATIONAL SOCIETY OF NEW ENGLAND WOMEN

Mrs. ROE. I am Mrs. J. Frederick Roe, representing the New York State Organization of the National Society of the Daughters of the American Revolution, and the New York City Colony of the National Society of New England Women.

I should like to read a prepared statement.

The CHAIRMAN. We shall be pleased to hear it.

Mrs. ROE. Mr. Chairman and members of the Commission, the New York Organization of the National Society of the Daughters of the American Revolution, at its fifty-sixth annual conference in New York, October 9, 1952, unanimously adopted a resolution concerning the Immigration and Nationality Act (1952), popularly known as the McCarran-Walter Act, and the New York City Colony, National Society of New England Women, at its regular meeting, October 23, 1952, adopted a similar resolution. Copy of the resolution as adopted by the first-named organization is annexed to this memorandum. Succeding observations are offered on behalf of both these organizations and are, in large measure, emphasis upon and elaboration of the resolutions' theme.

We submit first, with all due respect to the individual members of this Commission, that, under the Executive Order No. 10392, September 6, 1952, it is charged with responsibilities which are beyond the Presidential capacity to impose. The order directs the Commission to "make recommendations to the President for such legislative, administrative, or other action as in its opinion may be desirable in the interest of the economy, security, and responsibilities of this country."

We are aware, of course, that this action is not completely novel, but it emphasizes the desirability of reserving to the several branches of the Government the prerogatives with which they are constitutionally endowed. We see no more justification for executive interference with the legislative processes than we can for Executive assumption of authority to instruct the judiciary in the delivery of its opinions and decisions upon the statutes after they are enacted.

The very first section of articles I of the Constitution of the United States provides:

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The only power with respect to legislation, as such, with which the President is vested is (article I, section 7) approval, to be evidenced by his signature, or disapproval, in the event of which "he shall return it (the bill) with his objections to that House in which it shall have originated," where they shall be entered upon the journal. If repassed by a two-thirds majority of both Houses, the bill will become law, notwithstanding the disapproval.

The President is then charged with its execution, a responsibility which he accepted by solemn oath upon his inauguration. The President's subsequent right of legislative criticism is the right of every other citizen who must recognize that, together with the Constitution and treaties—

* * * the laws of the United States, which shall be made in pursuance [of the Constitution] * * * shall be the supreme law of the land.

It must be emphasized, as a preliminary to our consideration of the Immigration and Nationality Act, that the burden of its justification does not rest upon those who are convinced of its wisdom. Its validity must be presumed and, as an element of the supreme law of the land, must be respected. The burden has developed upon those who oppose it to submit specific objections and their proposals for its betterment. Any other position is merely an advocacy of lawlessness.

It is reliably reported that the Judiciary Committee of Senate and House, in collaboration with authorities attached to the Department of State and Justice, devoted their energies for 4 years to the preparation of the bill before its presentation to the Congress. You are directed, rather ironically, to perform an analogous task in less than 4 months. And the area is one into which any self-respecting angel will refrain from rushing. And the act does not become completely effective until December 24 of this year.

Frantic efforts to discredit the act and its authors take the form of a variety of epithets, chief among which is "antiforeign." Demagoguery such as this is more dangerous in the intelligent than in the ignorant. And demagoguery it is, for the act is not an indulgence in Xenophobia, general or special. Neither is it an acceptance or declaration of any dogma of racial superiority. It is, in quality and essence, a recognition of the principle of assimilability. If those who discharge these epithets will pursue their own logic they will accuse the father whose home is already overcrowded as being unsocial because he restrains further invasion, so that he may adequately provide for his own family as well as the strangers he has generously received.

When admittance is sought to destroy the household property, assail the family, and ultimately burn down the house, its head is under the bounden duty to resist the invasion. That this has been and is the notorious determination of vast numbers who have accepted our hospitality, and those who seek it, is fatuous to deny. Not alone is our capacity to assimilate involved, but the resolute refusal of those who demand our hospitality to be assimilated.

One aspect which those engaged in violently assailing the act have studiously and, we believe, designedly ignored is its own acknowledgment of imperfection, and the consequent desirability of future amendment. The activating provisions are contained in section 401 (a). We conclude that—

(1) Intentionally or otherwise, the procedure which the President has sought to authorize, for the purpose of initiating legislation, is an unwarranted and invalid intrusion upon the constitutional prerogatives of the legislative body.

(2) Such procedure will inevitably impair the prestige and authority of the Congress, and provoke disdain for the laws by it enacted;

(3) Our government, being a system of three coordinate branches, can only subsist through the invigoration and maintenance of each and all those branches. If one shall fall, the entire structure will collapse; if this disaster shall overtake our country, America will cease to exist.

(4) Finally, the Immigration and Nationality Act is not antiferign. It does not discriminate upon the grounds of birth or color. It does not acknowledge any dogma of racial superiority. It does establish the principle that admission of aliens shall be with due regard to our own security and capacity for assimilation. It does express, and is consistent with, this Nation's traditionally generous hospitality. It provides within itself by constitutional procedures the machinery for its improvement, which by its terms is already in effective operation. It is entitled to and will receive respectful compliance from every loyal American.

I also wish to read a resolution unanimously adopted October 9, 1952, by the New York State Organization of the National Society of the Daughters of the American Revolution.

The CHAIRMAN. You may do so.

Mrs. ROE (reading):

RESOLUTION

(Unanimously adopted October 9, 1952)

Whereas the President of the United States, by Executive order (No. 10392, September 6, 1952), without authority of the Congress, has established in the Executive Office of the President, a Commission to be known as the President's Commission on Immigration and Naturalization, and has appropriated public funds to defray its expenses; and

Whereas said Executive order purports to authorize said Commission to make a "survey and evaluation of the immigration and naturalization policies of the United States, and (shall) make recommendations to the President for such legislative, administrative or other action as in its opinion may be desirable in the interest of the economy, security, and responsibilities of this country," and also purports to direct said Commission to give particular consideration to—

"(a) the requirements and administration of our immigration laws with respect to admission, naturalization, and denaturalization of aliens, and their exclusion and deportation;

"(b) the admission of immigrants in the light of our present and prospective economic and social conditions and of other pertinent considerations; and

"(c) the effect of our immigration laws and their administration, including the national-origin quota system, on the conduct of the foreign policies of the United States, and the need for authority to meet emergency conditions such as the present overpopulation of parts of Western Europe and the serious refugee and escapee problems in such areas"; and

Whereas said Commission is further directed by said order to present to the President its written report not later than January 1, 1953, and has scheduled its

hearings in 11 cities of the United States for an aggregate of only 14 days; and

Whereas these recitals and directions contemplate and imply encroachment upon, and usurpation of, powers and prerogatives exclusively vested by the Constitution in a coordinate branch of the Government, namely, the Congress of the United States, which alone has authority to initiate legislation; and

Whereas the studies proposed to said Commission are comprehended in the immigration and naturalization law (Public Law 414), enacted June 27, 1952, by overwhelming vote of the Congress, to become wholly effective December 24, 1952, and said act is the outcome of 4 years' reflection and study by the Congress, through its appropriate committees, aided by experienced officials of the Departments of State and Justice, and is a comprehensive codification of prior legislation concerned therewith; and

Whereas said act provides (sec. 401) for a bipartisan joint congressional committee of 10 members, whose function is "to make a continuous study of (1) the administration of this act, and its effect on the national security, the economy, and the social welfare of the United States, and (2) such conditions within or without the United States which in the opinion of the committee might have any bearing on the immigration and naturalization policy of the United States," being fully empowered to obtain all necessary information through testimony and consultation; this provision having been made effective immediately upon enactment:

Be it resolved:

(1) That the fifty-sixth annual State conference of the New York State Organization of the National Society of the Daughters of the American Revolution commends the immigration and nationality law as an equitable measure in relation to the interests of this Nation, and as eminently fair and generous to the peoples of other countries;

(2) That the conference especially approves the establishment of a bipartisan joint congressional committee for continuous deliberation upon the law's administration, and its effects upon our own interest and our relations with foreign countries, and the recommendation of amendatory legislation, as occasion may require;

(3) That the conference believes, on the other hand, that the problems involved are of such magnitude and complexity as to preclude the possibility that a commission hastily established by Executive order will make any notable contribution, but that it may rather be expected that it will eventually submit and publish a superficial, partial, inadequate, and biased report, calculated, through propaganda, to engender irrational prejudice, intensified embitterment, and national and international confusion.

(4) That the conference especially deplores the establishment of a commission by Executive order, charged with such duties and responsibilities as are enumerated in the preamble hereof, as an unwarranted and unprecedented encroachment upon, and usurpation of, legislative powers and prerogatives expressly reserved by the Constitution to a coordinate branch of the Government—the Congress of the United States; and further be it

Resolved, That copies of this resolution be sent to the national chairman of national defense, N. S. D. A. R.; to the president general, N. S. D. A. R., to the executive secretary of the N. S. D. A. R., and to the president of the American Coalition, and to the members of the subcommittee of the Judiciary Committee of the United States Senate, Eighty-second Congress, attention of Senator Pat McCarran.

Commissioner HARRISON. I would like to ask one brief question. Mrs. Roe, is it your thought that it is never appropriate for the executive branch of the Government to make any suggestions to the legislative branch regarding legislation?

Mrs. ROE. Well, I have stated that here. I have said it is not completely novel and, of course, always the President in his message to Congress brings out things, but the legislative act, of course, is in the sole hands of Congress.

Commissioner HARRISON. Thank you.

The CHAIRMAN. Thank you very much.

Is Professor Zuker here?

STATEMENT OF A. E. ZUKER, PROFESSOR OF FOREIGN LANGUAGES,
HEAD OF THE FOREIGN LANGUAGE DEPARTMENT, UNIVERSITY
OF MARYLAND

Professor ZUKER. I am A. E. Zuker, head of the foreign language department at the University of Maryland. I represent no organization here.

The CHAIRMAN. Are you not the author of some articles and books?

Professor ZUKER. Yes; about a dozen of us published a book on The Forty-eighters. I was the editor of it.

With your permission, I will read a prepared statement.

The CHAIRMAN. You may do so.

Professor ZUKER. I should like to present a case study of one group of immigrants whose presence was at first violently opposed but later proved an asset to the United States. I refer to one group among the millions of German immigrants—namely, the refugees from the German revolution a hundred years ago who are known as the Forty-eighters. Their arrival coincided with the rise of the American Party, a nativistic group, commonly called the Know-Nothings. This party which grew rapidly in power and in 1856 placed a former President, Millard Fillmore, at the head of its ticket, was violently antiforeign. The Know-Nothings regarded newly arrived immigrants as undesirable, alleged that they were unassimilable, and often used violence to keep them away from the polls. Yet, as history records, the Forty-eighters made extremely valuable contributions to American life in many fields, proved extremely patriotic in peace and war, and engraved many of its names in the record of distinguished Americans.

As stated, the Know-Nothing men did not want any foreigners to vote and they therefore attacked naturalized citizens as they approached the polling places. Incidents of the sort occurred in many cities; in Cincinnati the bloody fighting ended even with the burning of the ballot boxes in a German ward. Sometimes, for example, in Baltimore, the acts of terrorism were of a more harmless variety, as then the "Blood Tub" rowdies secured tubs of blood from a slaughterhouse, spilled it over the hapless foreigner who had the temerity to approach a polling place, and thus sent him home in a condition that was certain to cause alarm to his family; a more recognized practice was stabbing of the voters with an awl, an inconspicuous but painful weapon. The success of these nativists was considerable; let me quote an account of a Baltimore city election from J. Thomas Sebarf's *History of Maryland, Baltimore 1897*, III, 250:

The election took place on October 8, 1856, the candidates being Thomas Swann, Know-Nothing, and Thomas Clinton Wright, Democrat. It was attended by bloodshed and disorder wholly unprecedented in the annals of this or any other American city. In the vicinity of Lexington Market and in the squares surrounding the Washington Monument, pitched battles were fought, in which muskets were used freely, and cannons were even brought into the streets—which the authorities made no attempt to quell as they had made no provision to prevent—which lasted without interruption for hours and finally only terminated with nightfall, and in which actually more men were killed than fell on the American side on the field of Palo Alto. The result of the election, if it may so be called, was the almost entire disfranchisement of all naturalized citizens who were nearly everywhere driven from the polls, and the consequent elevation of Mr. Swann to the mayoralty by a majority of 1,567 votes.

The Know-Nothing oath prohibited members from ever voting "for any man for any office in the gift of the people unless he be an American-born citizen, in favor of Americans ruling America."

The Forty-eighters were German idealists who in 1848 decided to put an end to the reactionary, oppressive governments in Germany and to unite their country instead of having it divided into dozens of small principalities under despotic rulers who exploited their subjects and stood in the way of progress. Their gallant fight for civil rights, human dignity, and unity failed, largely because their revolution was too humane—they erected no guillotines and treated their foes with old-fashioned chivalry. Consequently, their revolt was put down by Prussian rulers who felt that any common mortal opposing their divine right as kings ought by rights be shot—and they put hundreds of them to death. However, many revolutionaries managed to escape—quite a number of them out of prison—a fact that indicates the great popular sympathy for their cause even on the part of jailers. Of the refugees the largest number came to the United States—perhaps as many as 4,000.

If we try to describe the typical representative of this group we will find that he looked exceedingly foreign. He was a young man (the majority of those who risked their lives for freedom were in their early twenties), he had a good physique, developed by gymnastics, he affected the style of the romantic revolutionary by wearing a broad-brimmed hat, a shirt open at the neck, and a loosely tied scarf. He wore his hair long, and in contrast to the contemporary American fashion of clean-shaven faces, a twirled mustache or even a full beard. He stepped on land with no family to detain him and only such luggage as a refugee departing a few steps ahead of the police would have. In his valise there was likely to be the manuscript of a political essay and a volume of poems in praise of freedom. He had read about the United States whose Declaration of Independence had often been quoted whenever a free and united Germany was being planned. Though he had failed in his first fight and though the new land appeared a cold place for the greenhorn, yet he was not afraid. He remembered that he had tried valiantly in the battle for everything that confers stature and nobility on the race. His plans were hazy, but he knew that he would do something.

If we attempt to make an evaluation of the worth to the United States of the Forty-eighters we may find a fairly objective standard in the scholarly *Dictionary of American Biography*. This work, compiled by the leading American historians, selects 385 men and women born in Germany or Austria as being sufficiently distinguished to deserve a place among our great. The highest number to arrive in any 10-year period is 42 with the exception of the decade after 1848 when this number was 103. This more than double increase obviously shows that this group was quite unusually distinguished and that it merits the historian's attention.

Of course, the greatest number of these men whose lives had been uprooted were forced to accept menial labor as waiters or as workers in the construction of our new railroads. But many even of these would meet after their work was done to plan for and dream of a new revolution that would lead to a Republic of Germany. While

the larger number of these men with uprooted lives had to accept work as waiters or other humble tasks, hundreds of them, mostly university men, were able to employ their talents and to make of their lives something more than the "short and simple annals of the poor." As they began to fit into the life of America as journalists, physicians, lawyers, businessmen, teachers, musicians, engineers, or followers of other callings, they found their true field of interest and activity no longer abroad but in their adopted country. The times, to be sure, were ripe for politically experienced fighters for freedom. The rise in the fifties of the new Republican Party meant, in the last analysis, the extension of freedom to the slaves and it was in the work of this party the Forty-eighters found an outlet for their idealism. By hundreds they went into the campaigns to lead their fellow Germans, who had traditionally belonged to the Democratic Party, into the Republican fold. And they were sufficiently astute to make their influence felt in the councils of the party. In 1860 they called a meeting of delegates from all States to a preconvention meeting at the German Club in Chicago—the list of these German Republicans reads like a Who's Who of Forty-eighters. In submitting their resolutions to the Republican convention their delegates did not support any individual candidate, but they expressed their stand on principles; and in the smoke-filled rooms of the party leaders it was deemed wise to adopt what were called the Dutch planks as part of the 1860 platform. Lincoln, who was certainly a shrewd politician, courted the German vote extensively, going so far as to purchase a German daily secretly and having it edited as a Republican sheet by Dr. Canisius, one of the Forty-eighters. When it came to distributing patronage, Lincoln appointed numerous Germans to diplomatic and other posts; for example, he named Carl Schurz Minister to Spain.

Shortly after Lincoln's election came the war. This struggle appealed to the Forty-eighters as a fight for liberty and they joined in it in large numbers. One institution brought over from Germany developed here by Forty-eighters was the gymnastic society, called in German, Turnverein. Such gymnastic societies had been founded in Germany during the time of the Napoleonic wars with ideals of both physical and mental culture, the latter consisting of the search and struggle for political freedom and human dignity. The arrival of the Forty-eighters brought about the founding of Turner organizations in all larger cities in this country. In their conventions these groups early declared themselves opposed to slavery and when the crisis arrived numerous Turner regiments were formed and went into the field. Their prompt action brought about many favorable results, most notable their decisive fight in St. Louis which saved Missouri for the union.

When the war broke out, Carl Schurz from his post in Spain asked Lincoln to permit him to return to the States in order that he might fight for the ideas he had eloquently spoken for all over the country. The spirit of the Forty-eighters is beautifully summed up in a letter Schurz wrote from the field on October 3, 1863, to a friend in Germany:

What a tremendous problem and what a mighty cause. I am happy to live in this country at this time. In comparison with the splendid goal, what are our little sufferings and our individual sacrifices? Slavery is being driven out of its last citadel; the insulted dignity of human nature has been avenged. The

people of the new world are taking an immeasurable step forward in its cleansing and ennobling.

On the 4th of March 1869, Carl Schurz took the oath as Senator from Missouri. In his *Reminiscences* he tells us that he was awed by the great responsibilities but he "recorded a vow in my own heart that I would at least honestly endeavor to fulfill that duty; that I would conscientiously adhere to the principle *salus populi suprema lex* (the welfare of the people is the highest law); that I would never be a sycophant of power nor a flatterer of the multitude; that, if need be, I would stand up alone for my conviction of truth and right."

If time permitted it would be well worth while to cite farther details of Schurz' career as Senator and as Secretary of Interior in the Hayes administration; in the latter post he did everything in his power for the underprivileged, particularly the Indians and the Negroes. It should be pointed out that in addition to Carl Schurz numerous other Forty-eighters held high Government posts as Cabinet members, diplomats, governors, or members of the civil service. In no instance was one of their number ever known to be guilty of corruption or malfeasance in office.

The refugees from the German revolution had among their number Protestants, Catholics, Jews, and atheists. As one reads their records it is a striking fact that religious or race prejudice is totally absent. The Jews in their number neither felt themselves as a special group nor were they noted as such; Carl Schurz' wife, for example, was Jewish. In the Turner colony of New Ulm, Minn., the free thinkers and the orthodox Christians got along with each other quite tolerantly.

As time went on the participation in American life of the Forty-eighters in peace and in war served to amalgamate them with their fellow-citizens. Many of the erstwhile firebrands came to a full appreciation of the American system, where they found the very freedom for which they had fought in Germany, while many of their contributions, notably in the fields of scholarship, chemistry, pharmacy, medicine, bridge building, music, and physical training were adopted into the scheme of American life. The acceptance of this group of immigrants, while first it was violently opposed, in due course proved decidedly Germany's loss and America's gain.

Mr. ROSENFELD. Professor ZUKER, is it fair to say, from the observation you have made, that the assimilation of groups of immigrants sometimes can't best be told at the moment of their arrival?

Professor ZUKER. You mean, you cannot foretell?

Mr. ROSENFELD. Whether they are going to be assimilable later to the best interests of the country?

Professor ZUKER. In view of the uncertainty of all human life, it is certainly a safe statement to make.

Mr. ROSENFELD. Apparently from what you said, these Forty-eighters were rigorously objected to as not being assimilable at the time, and yet have turned out to be the backbone of some of our own institutions?

Professor ZUKER. Decidedly.

Commissioner O'GRADY. Do you know, Professor, if much research is being done in this field in various universities?

Professor ZUKER. Yes. Immigration, I think, is a fairly new field of study. Professor Hanson of Illinois University, who unfortunately

died rather young, was very stimulating on the subject. Professors Friedrich and Handlin collaborated with us on this book.

Mr. ROSENFELD. Both of them testified before this Commission in Boston.

The CHAIRMAN. Thank you very much, Professor.

Is Mr. Williams here?

**STATEMENT OF GEORGE WASHINGTON WILLIAMS, REPRESENTING
THE SOCIETY OF THE WAR OF 1812, OF MARYLAND, AND THE
GENERAL SOCIETY**

Mr. WILLIAMS. Mr. Chairman, I am George Washington Williams, 231 St. Paul Place, Baltimore, Md., and I appear here as a representative of the Society of the War of 1812 in Maryland and as past president of that organization and as representative of the general society and as vice president of that society. I also would like to appear in my individual capacity, and I think I have a right to do that. My folks came here in the very foundation of this country and helped to hew among the wilderness, in which efforts they lost some of their scalps I understand. So I have a very deep and binding interest in the continuity along the lines that were shaped by our so-called founding fathers from which I think there is considerable deviation at the present time.

I wish to say at the outset that I do not claim for what some people refer to as old-line Americans all the virtues in the world. We have sealawags among them as well as any of the other groups. I do not mean to say, on the other hand, that those who have come over here recently are basically morally better than our own people. My basic contention is that most people coming over here are not qualified to participate in government at this time. We find that in a very short time a great many of them become citizens.

I have attended naturalization procedures, but they are utterly farces as far as qualifying anybody for the act of suffrage. It takes a long time for one to be fit to exercise suffrage. The basic element of this country struggled several hundred years in England before they became equipped to run the Government. We can say by referring, and I don't like to do this, that South America has had over 100 years' freedom. And those countries which are called countries are nothing but little more than military and arbitrary establishments driven by terror. You can't by calling a thing a republic make all of the people in it qualified to exercise suffrage.

I say that many of these people who have been coming here in recent years have given a different direction to the course of our country's history, and particularly with reference to our institutions, from that which was intended. I don't like it and lots of others don't like it. This country is not a democracy and was never intended to be a democracy. It is a republic. A great father of democracy said that the mass of people is not really fit to be the legislator. They are fit to choose the legislator. Their idea was to choose the people who are fit and qualified to determine what was really best for the Nation.

As a matter of fact, of course, they have to get some authority from the people naturally. He realized that a mass of people in the various walks of life cannot in the nature of things become qualified to determine, for instance, where the lines end between the States and the

Federal Government, and that is where a great trespass is taking place today. I am sorry to say that the Supreme Court of the United States in the Cleveland housing case virtually gave power and authority in the Federal Government from the so-called general-welfare clause. It is not a general-welfare clause. It is a tax clause. That subsection 1 of section 8 of article I of the Constitution was a tax clause with a limitation on power. That clause is being used for means of perverting our Government. The commerce clause is another one.

With the qualifications of those people who came over here 5 years ago, the bulk of them, for there are notable exceptions—I can mention George Sokolsky.

He was born in this country. He is a very fine and highclass American and nobody whose family has been here for 10 generations could be a better American. But I am saying that so many of those people who come here are just fodder for the use of politicians to work out their own ends. I say they are not qualified on their own to pass judgment on these questions which show a divergence.

I have heard it said by many high-class statesmen that the greatest tyranny would naturally come through consolidated—it is easy to use the West and East against the South and to manipulate populations and areas in a way to work oppressions on other sections. We must preserve the States and respect the prejudices and the idiosyncrasies and what not of those particular areas. There was quite a lot of talk in dividing up in three or four parts, but that was beaten down. Of course, we talk of free suffrage and property not being a qualification.

I suppose many of you do not know that serious thought was given to making it \$120,000 for the Presidency and \$50,000 for the Supreme Court and a corresponding number for Congress, showing the value of property. Yet men who go up in Congress and pretend to be lawyers say that Congress has the power to pass the so-called poll-tax bill and there isn't a single bit of constitutional power to do that. Yet I have seen able men in Congress go up there and vote for such bills as that, like most of these civil-rights bills. It's an absolute invasion of the rights of people and I say these people coming over here in 4 or 5 years—

Commissioner HARRISON. Mr. Williams, what conclusion do you draw from that with respect to immigration?

Mr. WILLIAMS. I say we shouldn't open up the volume of quotas any more and we ought not to shift quotas to areas where people less qualified to participate and less capable can come in and in a short time be qualified to participate in government. I hasten to say that I am not accusing them of any moral wrong.

Secondly, the newcomers—and I am not saying that in any hypocrisy—are prone to have a great deal of interest in their native lands and they may make their votes predicated upon foreign interests instead of the interests of America. If you question that I would like to refer to something from Arthur Bliss Lane's *I Saw Poland Betrayed*. He was former American Ambassador in Poland.

Many of these people make their vote depend on the interests of some foreign country rather than America. As I say, I can understand the blood pull. That is very thick. We are in a situation now not at the crossroads, but we are probably in the crossroads, and those

folks who are not fit to vote are used in these big cities like New York, which is virtually a conglomeration of nations rather than a city. And you see some of the elements coming out of there who are continually talking about the interests of some foreign country. I do not think that power ought to be augmented.

I have perhaps dwelt on that too far, but at any rate my feeling is that we do not need to shift quotas which will bring in more people. That is my feeling about it. I say this because I love this country and if it isn't changed we are going to have the biggest wreck.

Here is the thing I do want to bring to your attention, for I am not sure it has been emphasized enough. I haven't attended your hearings and I haven't heard them, but have you taken into consideration the fact that we have innumerable aliens here illegally and that they are coming here constantly?

I would like to take a paper, with which Mr. Perlman is familiar, the Daily Record, and——

The CHAIRMAN. Of Baltimore?

Mr. WILLIAMS. Yes. One of these papers is dated Friday, October 24, and the other is dated Saturday, October 25. The first one has an article headed, "Aliens reported pouring illegally in via Canada." I would like to put that in the record as part of my remarks.

The CHAIRMAN. Yes, sir. You may do so.

(The article follows:)

[From the Daily Record, Baltimore, October 24, 1952]

ALIENS REPORTED POURING ILLEGALLY IN VIA CANADA—ORGANIZED SMUGGLING RINGS SAID TO BE OPERATING THROUGH VERMONT

ST. ALBANS, Vt., October 23.—European aliens, including possible subversives, are pouring illegally into the United States from Canada at the rate of perhaps 33,000 yearly, with the aid of organized smuggling rings, it has been reported.

Immigration officials are virtually powerless, because of lack of funds and manpower, to stem the parade of unauthorized immigrants—many from iron-curtain nations—through a 30-mile funnel with the help of money-hungry Vermont farmers who collect from \$50 to \$300 a head.

LOOSE LAWS

The illegal alien traffic is made possible by loose Canadian immigration laws which set no quotas for entry of foreign nationals. A recent Canadian Government survey failed to locate half of 600,000 Europeans who have been brought to Canada since 1947. Border officials believed most entered the United States.

Immigration authorities said they have strong evidence one of the smuggling rings is operated from Sicily by Lucky Luciano, onetime New York overlord of crime, who was deported in 1946.

Chester Woish, chief border patrol inspector at Rouses Point, N. Y., said Luciano is linked with the Mafia society, which recruits hoodlums in Sicily for gangster organizations in principal United States cities.

A husky Italian youth recently was seized by border-patrol agents while attempting to cross a Vermont farm that straddles the United States-Canadian border.

FEARED FOR HIS LIFE

Questioned by immigration officials, the youth tearfully said, "To talk is to cut my throat." He said he had come to Montreal from Sicily, but refused to disclose who had helped him.

There is other evidence of terror in this alien traffic. The barn of one Vermont farmer, who was seen talking with a customs agent, burned to the ground next day. Another Vermonter was beaten severely one night after he reported persons crossing his land under cover of darkness. Still another was the target of a sniping gunman as he worked in his field near the border.

"We are positive there are organized rings which smuggle people into the United States from Canada," Wojsh said. He added most of the rings have headquarters in Montreal or New York.

"This border poses a dangerous security risk," he said. "It's a fine way for Russia to plant spies here."

Ernest E. Salisbury, director of immigration district 1, which stretches from Ogdensburg, N. Y., to the United States-Canadian border in Maine, said the number of aliens who cross the border yearly is uncertain, but that it is somewhere between 7,000 and 23,000.

"How can we count them if we can't even catch them?" he asked.

MR. WILLIAMS. The second one is headed "Puerto Ricans arriving here by thousands."

THE CHAIRMAN. That may also be inserted in the record.
(The article follows:)

[From the Daily Record, Baltimore, October 25, 1952]

PUERTO RICANS ARRIVING HERE BY THOUSANDS—STATISTICS INDICATE LARGE INCREASE OVER LAST YEAR PERIOD

SAN JUAN, October 24.—Approximately 70,000 Puerto Ricans will have emigrated to the United States by the end of the year, according to an official forecast.

Roberto de Jesus-Toro, vice president of the insular government development bank, said statistics available for the first 5 months of 1952 indicate a record trek to the mainland.

Total net migration through May—that is, the balance of outgoing travelers over income—is 32,234, De Jesus-Toro said. That represents a 36.5-percent increase over the same period for 1951.

Since the end of World War II emigration to the United States has increased steadily and is expected to continue climbing for at least the next few years.

De Jesus-Toro, formerly director of the insular government budget, analyzed migratory trends in an address before a convention of social workers here and emphasized the importance of emigration to the economy of this island.

ISLAND CROWDED

The Commonwealth of Puerto Rico is only 100 miles long and 35 miles wide. It has a population in excess of 2,200,000 and a population density of about 647 persons per square mile.

Its economy, mainly based on sugar production, is unable to provide complete and continuous employment for a large segment of the population. However, the administration of Gov. Luis Muñoz Marín is trying to solve the problem with the vast "operation bootstrap" industrialization program now under way.

Meanwhile emigration helps ease the strain on the local economy, De Jesus-Toro declared. "Unquestionably, emigration is now a determining factor in our economic situation," he said.

From 1908 to 1945 an average of only 4,000 persons went to the United States each year but since then "a revolution has occurred," he explained.

In 1945 net emigration jumped to 12,678 and then soared to 38,852 in 1946.

HIGH POINT IN 1951

During the next 3 years it declined somewhat but reached a total of 34,703 in 1950, according to De Jesus-Toro. Then it rose to 52,900 last year.

About 62.5 percent of emigrants are workers or work seekers. Thus, out of some 70,000 persons expected to "go north" in 1952, about 44,000 will be from what De Jesus-Toro calls the working group.

He noted that the actual labor force of the United States comprises some 60,000,000 workers and said there need be no fear that Puerto Rico will swamp the labor market.

"Our emigrant workers are just a drop in the bucket," he said.

MR. WILLIAMS. You and I and everybody know that these Puerto Ricans have come into New York in recent years, and that they are a menace to the country.

THE CHAIRMAN. They don't come in illegally, do they?

MR. WILLIAMS. No; they are citizens. They are virtually foreigners, as far as their interest to this Government and to this country is concerned.

In the first paragraph Matthew T. Kenny says: "Approximately 70,000 Puerto Ricans will have emigrated to the United States by the end of the year, according to an official forecast." Then he goes on to tell about that. Those people are about as fit, as far as qualifications for participation in Government, as anybody right out of the middle of—call any country you please.

I would like this also to go in as part of my remarks.

THE CHAIRMAN. It will. You testified before the joint subcommittee of the Judiciary, did you not?

MR. WILLIAMS. Yes, and I would like to say this for the benefit of the record. They took testimony from 300 or 400 witnesses from all over the country and they compiled that in a book of over 900 pages in analyzing their effort. They took testimony from all over the country, and from various countries. I venture to say that not many were against the bill or in favor of the Humphrey and Kefauver and Lehman bill. They tell in there a great deal of the danger from these illegal immigrants, as far as that is concerned. And as far as we are concerned, shouldn't they be taken into consideration?

They are here, and probably will stay here, and they are here in much greater numbers than you are going to let in from this bill. There are supposed to be several millions in here. During the depression there were 3 million aliens on relief and, plus that, about 7 million of our own. I might say that when you bring in these folks now you are going to add to the unemployed such as you had back in 1939, when we went into the second European war.

To come back to something else. They say we are all immigrants. Sure, we are. That is very true. We let in droves hundreds of years ago, and it did no harm. That's just the same as saying that we had the horse and buggy years ago and we shouldn't have the automobile now. For that reason, today we do not need any more immigrants. This is practically the first time in the history of the world that people have been able to raise more stuff than they needed. We don't need more people here, and they are going to be a charge on us and an additional burden. I can't see why we should feel obligated to several hundred thousand of them.

The Italian goal is to export 200,000 Italians. Let them cut down their population then. Why should we have it?

THE CHAIRMAN. What would you propose?

MR. WILLIAMS. I make a suggestion. Our people came to a wild frontier over here. I suggest that they give them one of those areas in Africa and let them do the same thing our people did. That would be a good idea. Why shouldn't they do it? Is there anything wild about that? Our people came over here. The Jewish people are going to Palestine, aren't they, and they are making something of it, aren't they?

THE CHAIRMAN. A great many Italians went to Africa and now have been expelled from there.

MR. WILLIAMS. That is because they got too bumptious. If it were done under the auspices of the United Nations that could be taken care of. Give the people back the German colonies that we let them develop.

Of course, I realize your time is limited, and it would take a long time to expatiate on this. The argument that has been given before is that the immigrants have been a great deal of help to this country. But we don't need them today. You can't use the same argument as you did a hundred years ago. I say that is the basis for our objection. We ought not to shift the quotas, because I think it would be detrimental to the country, and I am not sure how much politics is involved in this effort. I saw in the newspaper that it is a great effort being used now to capture all of these votes.

The CHAIRMAN. Thank you.

Is Mr. Spiegler here?

STATEMENT OF LOUIS E. SPIEGLER, REPRESENTING THE JEWISH WAR VETERANS OF THE UNITED STATES

Mr. SPIEGLER. I am Louis E. Spiegler, and I represent the Jewish War Veterans of the United States.

I have a prepared statement I should like to read.

The CHAIRMAN. You may do so.

Mr. SPIEGLER. Mr. Chairman, gentlemen, I appear before you in behalf of the Jewish War Veterans of the United States of America, with a membership of over 60,000 men and women who served our country in its recent wars.

The Jewish War Veterans, as citizens and veterans, are interested in an immigration policy in the national interest. Appreciating that almost everything that can be said on the subject has already been said, I shall be brief.

We think the time has come to discard a system of immigration selection which has made place of birth the primary test of admission and in its place have a law which will consider admission on individual needs and qualifications. Much water has gone over the dam since the enactment of the national-origin-quota system in 1924. Today nations against whose nationals we discriminate as reflected in our immigration policy are spiritual and political partners of the United States through their membership in the United Nations. How can we expect these nations to support our philosophy, economic and political, when we look upon their nationals as being inferior? Our history has demonstrated beyond contradiction the fallacy of the national-origin-quota system. Aliens from eastern and southern Europe, Poles, Russians, Bulgarians, Hungarians, Italians, Czechs, and so forth, have forged ahead, surpassing the achievements of the nationals from the so-called elite countries of the west.

Immigrants and first- and second-generation Americans, stemming from the allegedly inferior areas are among America's leaders in business, the professions, in the scientific world, and even dominate the athletic world. Read the football line-ups in last Sunday's New York Times. The names that abound are those of the eastern and southern European world.

An immigration policy based upon individual needs, skills, and professions would be to our benefit because America is moving to new frontiers. It is a mistake to think that the frontiers have been closed because we have reached the Pacific Ocean. America needs many skills it cannot produce for one reason or another.

I'd like to cite an example in support of this thesis. Only the other day I read, as you must have, of Prof. Selman Waksman, Russian-born bacteriologist of Rutgers University, who was awarded the 1952 Nobel Prize for his discovery of streptomycin. This immigrant came to the United States only 22 years ago. Today he would probably not be permitted to pass the gates of Ellis Island because he was born and lived for many years in Russia.

The present national-origin-quota system is racist in philosophy and should be abandoned if the work of our State Department is to be effective in those countries where American financial and military aid is extended. If it is not discarded, then it is our thought that the unused portions of the large quotas, like the British and the German, should be pooled and allocated to the specially qualified persons and political refugees.

We urge equal treatment under the law to native-born and naturalized citizen alike. The inscription over the portals of the Supreme Court Building reads "Equal justice under law." The foreign-born citizen under the present immigration and nationality law would appear to be a second-class citizen. Whatever rights are accorded to the native-born citizen should also be accorded the naturalized citizen and this requires no embellishment. It is shameful to say to one citizen you may do thusly, and to another, you shall not. Even in the matter of passports. Passports should be denied no citizen except in the national-security interests.

There has developed a tendency to punish aliens through deportation or denaturalization proceedings. The Constitution frowns upon this. Deportation and denaturalization should be for fraud and illegal entry only. Once an alien has been legally admitted and naturalized, his rights should be measured by the same legal yardstick used for the native-born citizen. If a naturalized citizen falls by the wayside, he should be punished the same as would be a native-born citizen in like circumstances. To punish him through deportation or denaturalization is cruel, harsh, and unwarranted under the Constitution or any conception of human rights.

We believe that under our form of government the basic law is only the beginning. As important is a just, impartial, and fair interpretation and administration of the law. This calls for forward-looking administrative procedures and a judicial review, if necessary. We have confidence in our administrative officials. The law should permit them discretionary powers in cases of extreme hardship. Every once in a while we read in the papers of these hardship cases, but there is no discretionary machinery to bring relief.

Let me cite a case. An alien entered the United States illegally many years ago. Shortly after his entry, ignorant of our laws, he accepted the offer of a political figure who said he could for a sum, legalize his entry. This was done, as it was later discovered, by the bribing of a minor immigration official. Upon the strength of that entry, the alien was naturalized. He returned to his native country, married his boyhood sweetheart, and brought her back to the United States. They have three American-born children. The alien established himself in business, employing over 50 persons presently. Many years after naturalization, the misdeeds of the immigration official came to light, among them the false record of entry of this alien. He was indicted, found guilty of obtaining naturalization

by fraud, denaturalized, served a short sentence, and thereafter the Government commenced deportation proceedings. To make a short story shorter, this alien is still in the United States and though everyone admits this is a most worthy, hardship case, and leniency warranted, there is nothing in the law permitting any official to exercise discretion. The sword of Damocles is still hanging over his head and terrorizes him all the time.

The immigration law should contain a provision permitting the exercise of discretion in such and similar cases.

We favor the establishment of administrative procedures and adequate machinery. We recommend the establishment of an Immigration and Nationality Court where appeals from the Immigration Service can be taken; and thereafter, if the alien still believes himself aggrieved, he can take his case to a Federal court. Most of the cases could be disposed of by such Immigration and Nationality Court and our Federal courts would not be clogged with writs of habeas corpus or suits for declaratory judgments. The Board of Immigration Appeals has done and is doing a good job, but it is not a statutory body. We recommend that, in cases of deportation, the provisions of the Administrative Procedure Act be applied. Deportation, for whatever the reason, is a most serious matter depriving a person as it does, of life and security in the United States. It is not fair that the Immigration Service be, so to speak, the cop and the judge.

On the question of visa issuance, under the law, the consuls are the visa-issuing officers with no review of their actions, be they arbitrary, capricious, or unfair as they sometimes must be. I know, from my own experience, with similar facts and circumstances, a visa will be issued by one consul and not by another. Particularly is this true of applications for temporary visitors' visas.

We should not discourage aliens from entering the United States as tourists. We have spent billions of dollars in foreign countries bringing them our way of life. We ought to encourage them to come to this country to see how it works. Visas are issued by reason of an act of Congress. When that power is abused, there ought to be some review, unless we say that an alien has no rights under the statute. A Visa Review Board should be established where the American relative or sponsor may have a review of the case.

In conclusion, I'd like to leave this thought with you. The miracle that is America is that here have gathered from every nook and corner of the world, men and women of many national origins, strains, religions, cultures, and political backgrounds. And within the framework of these variances, we have forged a way of life that holds the future security and hope of the world. It is no accident of history that America is the strongest country in the world today. We can attribute this to the vitality of a people who are a blend of many strains. This vitality is lacking in countries where people look alike, think alike, and do alike.

We should not stop the liberal flow of immigrants into the United States any more than we should stop the flow of ideas into the Patent Office.

A workable and humane immigration and nationality code is consistent with the best that is American.

Thank you for the privilege of presenting these views.

The CHAIRMAN. Thank you.

Is Mrs. Worrell here?

STATEMENT OF MRS. MARGARET HOPKINS WORRELL, NATIONAL
PRESIDENT OF THE WHEEL OF PROGRESS, NATIONAL LEGIS-
LATIVE CHAIRMAN OF LADIES OF THE GRAND ARMY OF THE
REPUBLIC

Mrs. WORRELL. I am Mrs. Margaret Hopkins Worrell, 515 East Clifton Terrace, Washington, D. C.

I represent the Wheel of Progress, of which I am national president, and the Ladies of the Grand Army of the Republic, of which I am national legislative chairman. We have over 16,000 members.

I wish to read a prepared statement.

The CHAIRMAN. We shall be pleased to hear it.

Mrs. WORRELL. Permit me to thank you for having invited me here to testify concerning my views on the immigration and naturalization policies which this country should pursue. Perhaps I should begin by stating that my views on this subject, and those of the members of the organization which I represent, coincide completely with the policies reflected in the McCarran-Walter Immigration and Nationality Act of 1952, letting that suffice as a recitation of my opinions. However, I feel that much more must be said in view of the fact that it would appear that this Commission has been created solely for the purpose of serving partisan political interests.

The members of this Commission are undoubtedly aware of the tremendous amount of study and investigation which preceded the formulation of the McCarran-Walter Act, and of the numerous drafts and redrafts through which it went before it finally triumphed over a Presidential veto.

What can be your answer and reaction to the fact that the McCarran-Walter Act provides for the creation of a Joint Committee on Immigration and Nationality Policy to make a continuing study of our immigration and nationality problems and policies?

Presumably your paragraphs (b) and (c) have particular reference to the admission of thousands upon thousands of refugees under the international foreign policy of this administration to which the great majority of our American citizens object.

What kind of a phony emergency can this Commission be operating under, in view of the fact that its expenses are being paid out of funds made available to the President by Congress for expenses in connection with emergencies affecting the national interest, security, or defense?

What manner of emergency can possibly exist in this country with regard to its immigration and naturalization policies, when the Congress of the United States has so recently completely considered and dealt with the problem? Are you not aware of the fact that this act does not even go into operation until December 24, 1952? Emergency, indeed!

Do you know that the President's own Department of State, Visa Division, Department of Justice, Immigration and Naturalization Service, and Central Intelligence Agency, studied the provisions of the McCarran-Walter Act right along with the Senate subcommittee and approved its provisions as fair and necessary and recommended its enactment? Again, do you not know that the organizations which I represent, along with scores of other patriotic, civic and religious

organizations, endorsed this act as being in the best interests of this country?

Just what provision of this act is it that causes so much consternation in leftist circles? Is it the fact that this act brings together and codifies the many separate immigration laws passed during the last 50 years, eliminating contradictions, filling gaps, and plugging loopholes?

If this were the only accomplishment of the new act, the American people would have gotten their money's worth. Has such furor been aroused because the act removes the ban on orientals, making it possible for limited immigration of orientals to this country, and further making it possible for thousands of orientals resident in this country, to obtain citizenship? Or is it because the McCarran Act liberalizes the bringing in of wives, husbands, children, and parents of American citizens?

Perhaps the stumbling block for this anti-McCarran Act group lies in the fact that it includes the provisions of the Internal Security Act of 1950 (which was passed at the instance of the Federal Bureau of Investigation and the Immigration and Naturalization Service) making it more difficult for known subversives to enter the United States and simplifying deportation of those already here.

In giving particular consideration to the direction of the President, as to the "admission, naturalization, and denaturalization of aliens and their exclusion and deportation," we think it was high time that the United States tightened its laws for the exclusion and deportation of subversive aliens—note the case of Harry Bridges, et al.

Finally, this opposition might arise from the act's retention of the national-origins formula for establishing quotas, which has been an integral part of our immigration laws for a quarter of a century. The attacks on this provision of the law are entirely unjustified, since I believe that the immigration policies of this country are as liberal as those of any other country in the Western Hemisphere.

Let's be frank and recognize this tumult and shouting for what it really is: Preelection smoke designed to attract voters to a nonexistent fire. I believe that Senator Pat McCarran aptly described what is happening when, on October 20, 1952, he said, and I quote: "In the name of Americanism, the President's Political Commission on Immigration and Naturalization, and candidates of both parties, are appealing for the votes of so-called racial minorities by misrepresenting the provisions of an act which actually liberalizes the classes admissible into the United States, but which tightens the law on the exclusion and deportation of subversives * * * the real attack on the McCarran-Walter Act is a calculated effort to sabotage those provisions of the act which are designed to protect this country from subversive penetration. Thus, under the label of Americanism, certain demagogues are trying to auction our protective immigration system for votes." My views are entirely in accord with the McCarran-Walter Act and doubtless our Nation felt the same, else the Congress would not have passed the bill over the President's veto. I thank you.

The CHAIRMAN. Thank you, Mrs. Worrell.

Mr. ROSENFELD. Mr. Chairman, at this point may I introduce into the record three statements submitted by Mrs. Madalen D. Leetch as chairman of legislation for the National Society of New England Women, for the National Society of Women Descendants of the An-

cient and Honorable Artillery Company, and for the Twenty-fifth Women's Patriotic Conference on National Defense, signed in each case by Mrs. Madalen D. Leetch. All these statements endorse the McCarran-Walter Act as it was passed by Congress.

The CHAIRMAN. These statements will be inserted into the record at this point.

(The statements follow:)

STATEMENT SUBMITTED BY MRS. W. D. LEETCH, CHAIRMAN OF LEGISLATION,
NATIONAL SOCIETY OF NEW ENGLAND WOMEN

NATIONAL SOCIETY OF NEW ENGLAND WOMEN.

1697 THIRTY-FIRST STREET NW.,

Washington 7, D. C., October 28, 1952.

MR. HARRY N. ROSENFELD,

*Executive Director, President's Commission on Immigration,
Archives Building, Washington, D. C.*

DEAR MR. ROSENFELD: The National Society of New England Women unanimously adopted a resolution endorsing the principles and urging the passage of the McCarran-Walter immigration law at their annual congress in May 1952.

We have always believed that the United States should place the safety and welfare of their fellow citizens above the interests of foreign nations and alien peoples.

The McCarran-Walter immigration law was the result of 4 years' study endorsed by the Immigration and Naturalization Service, the Department of Justice, and the Visa Division and the Passport Division of the Department of State and the Central Intelligence Agency. We feel that it should be given an opportunity to function before being attacked by minority groups seeking their own selfish ends to serve.

Sincerely,

MADALEN D. LEETCH,
(Mrs. W. D.)
Chairman of Legislation.

STATEMENT SUBMITTED BY MRS. W. D. LEETCH ON BEHALF OF THE NATIONAL SOCIETY OF WOMEN DESCENDANTS OF THE ANCIENT AND HONORABLE ARTILLERY COMPANY

NATIONAL SOCIETY, WOMEN DESCENDANTS OF THE

ANCIENT AND HONORABLE ARTILLERY COMPANY.

Washington, D. C., October 28, 1952.

MR. HARRY N. ROSENFELD,

*Executive Director, President's Commission on Immigration,
Archives Building, Washington, D. C.*

DEAR SIR: The National Society, Women Descendants of the Ancient and Honorable Artillery Company, whose forebears constituted the first line of military defense of this country, adopted a resolution in April at their annual rendezvous, endorsing the system of selective immigration, within our quota system provided in the McCarran-Walter immigration bill, which has since become law.

We oppose the infiltration of aliens into our economic and social life, many of whom are communistic and many of whom have entered illegally.

We believe the McCarran-Walter immigration law should be given an opportunity to function in the interests of the United States of America.

Sincerely,

MADALEN D. LEETCH,
(Mrs. W. D.)

STATEMENT SUBMITTED BY MRS. W. D. LEETCH, REPRESENTING THE TWENTY-FIFTH WOMEN'S PATRIOTIC CONFERENCE ON NATIONAL DEFENSE

TWENTY-FIFTH WOMEN'S PATRIOTIC CONFERENCE ON NATIONAL DEFENSE,
Washington, D. C., October 28, 1952.MR. HARRY N. ROSENFELD,
*Executive Director, President's Commission on Immigration,
Archives Building, Washington, D. C.*

DEAR SIR: In 1951 the Twenty-fifth Women's Patriotic Conference on National Defense, consisting of 36 national organizations, adopted Resolution No. 25, urging revision of immigration and naturalization laws. It reads as follows:

"Whereas for the last 2½ years a Senate committee has been investigating our entire immigration and naturalization system; and

"Whereas their report shows that the floodgates of our Nation are opened for the entrance of millions of aliens from all over the world who are coming in as displaced persons; and

"Whereas certain pressure groups have been lobbying in Congress for the repeal of all our safeguards on immigration and are spending millions of dollars for the dissemination of propaganda for that purpose; and

"Whereas our country operates under an immigration-quota system whereby approximately 154,000 quota immigrants may be admitted every year for permanent residence, also United States citizens may bring in their relatives on a nonimmigration quota; and

"Whereas upon uncontested evidence of a complete breakdown in the administration of the immigration law that has opened the gates to persons who will not become good citizens, but become ready recruits in subversive organizations to tear down the Constitution of the United States, and it is estimated that there are from 3,000,000 to 5,000,000 illegal aliens in the United States: Therefore be it

Resolved, That the Twenty-fifth Women's Patriotic Conference on National Defense opposes with all its strength, the infiltration of aliens into our economic and social life, many of whom are communistic, which has been revealed through the study and investigation made of our immigration and naturalization laws; and be it further

Resolved, That we urge upon Members of Congress to provide sufficient funds for the detection and deportation of the thousands of aliens who have illegally entered our borders; that we unanimously support the proposed legislation to revise the immigration and naturalization laws and urge that such revision be enacted into law as soon as possible; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Pat McCarran in recognition of his splendid work as chairman of the Judiciary Committee and to every Member of the Congress of the United States."

Sincerely,

MADALEN D. LEETCH.
(Mrs. W. D.)

The CHAIRMAN. Is Mr. Slayman here?

STATEMENT OF CHARLES H. SLAYMAN, JR., EXECUTIVE
DIRECTOR, AMERICAN VETERANS COMMITTEE

MR. SLAYMAN. I am Charles H. Slayman, Jr., executive director of the American Veterans Committee, 1751 New Hampshire Avenue NW., Washington 9, D. C., which I represent here.

I will be happy to furnish a prepared statement to the Commission if you want it later for circulation.

I should confess that I am a descendant of the Revolutionists. Some of our people engaged in the American Revolutionary War, and they were not American Indians. I admit, preceding the organization's

views, that I do believe in a strong America. I believe in an America that is going forward and is not collapsing. I have that kind of a faith, and the American Veterans' Committee has had that kind of belief, and that is one of the reasons we were formed.

There has been a reference to the tremendous amount of work put in by the subcommittees of the House and the Senate. I was in the gallery during the Senate debates, and I say dramatically pounds and pounds of testimony were carried in by employees of the Senate. The interesting thing about all of that testimony is that about 90 percent of it was against about 90 percent of the provisions enacted in the McCarran-Walter bill.

Undoubtedly, there was a lot of study made. We think, though, that the Congress arrived at the wrong conclusions. They had an opportunity, and I don't think they rose to it. I hope they will rise to it again.

I also want to observe that this matter of overcrowding and this matter of potential unemployment is never made by labor people or people who possibly are unemployed themselves and interestingly, I believe, is the fact that it was one of the first arguments advanced in the early American Congress against any more immigration. That was before 1800. Since then we have had the industrial revolution. Today we are in a form of atomic age.

A few years ago it was a political platform for a man to talk about 60 million jobs as being something tremendous in this country. Today there are over 62 million gainfully employed. I suggest that these arguments of overemployment and underemployment be dispensed with.

I appreciate the opportunity to appear before this Commission and present the views of the American Veterans Committee on immigration and naturalization and nationality laws.

The American Veterans Committee (AVC) is a Nation-wide organization of ex-service men and women who served honorably in the Armed Forces of the United States during World War II, the present Korean conflict, and World War I. Our motto is "citizens first, veterans second," by which we do not mean veterans should take a subsidiary role but that citizenship is of primary importance and that veterans have outstanding responsibilities as citizens. We associated ourselves "to achieve a more democratic and prosperous America and a more stable world." We were formed during World War II to promote the democratic principle for which we fought. We opposed racism, segregation, and discrimination based on race, color, creed, or sex; and we have continued to oppose these undemocratic practices in the United States at all times. We believe in a strong, healthy America dedicated to a role of leadership in the world community of nations, and we believe that there is a better chance of achieving a just and a durable peace for now and all time to come if the United States lives up to that difficult task of leadership and responsibility. Therefore, we oppose the immigration and naturalization policies embodied in the recently enacted McCarran Immigration Act as being inconsistent with the American heritage of freedom and liberty and of providing a haven of refuge for the politically and religiously oppressed of the world and a new frontier for the enterprising.

This past year, the Congress of the United States had an opportunity to codify and revise and improve the patchwork quilt then

existing of immigration, naturalization, and nationality laws. The American Veterans Committee favored, for this purpose, enactment of the Humphrey-Lehman-Roosevelt bill. However, the Congress did not see fit to enact this bill but rather enacted the committee bill of Senator McCarran. When the new Congress convenes in January 1953, we will urge them to, in effect, reconsider the action of the previous Congress and enact measures along the lines of the Humphrey-Lehman-Roosevelt bill in place of the McCarran Act. We object to the McCarran Act as continuing harsh, outmoded, and undesirable features of previous laws and enacting only a few liberalizing provisions. It provides an immigration policy inadequate for present national and world conditions.

For the American Veterans Committee, I would like to refer to a few of the main features which we believe should be given attention by your commission with a view to making positive recommendations to the President and the Congress for improving the immigration laws.

We suggest that if the quota system is to be retained that there should be a good deal of modification thereof. If it is still believed that the United States can absorb only 154,000 quota immigrants each year, then we suggest provision should be made to permit a distribution of unused quotas among nations whose quotas are filled and where there is a serious problem of overpopulation. There is very good reason to reexamine the distribution of quotas, and in this regard it is strongly recommended that the base year should be changed. If we seek to preserve a theoretical proportional representation in our population of people with certain ancestry, we should use up-to-date methods in determining what that proportion is; we should use a base year when census figures are more reliable and accurate than for earlier years such as 1920 and 1890. We suggest the base year of 1940 or 1950.

Discrimination against aliens on the basis of color and racial ancestry should be eliminated from our immigration and naturalization laws as being inconsistent with American ideals of civil rights and a nondiscriminatory policy substituted. Provisions in this regard concerning the so-called Asia-Pacific triangle and concerning colonial possessions should be eliminated.

Our immigration and naturalization laws should be made to conform—not to be exempt from—the Federal Administrative Procedure Act of 1946. The law settled by the United States Supreme Court in *Sung v. McGrath* (339 U. S. 33), should be restored. Due process requires not only a hearing but a fair hearing. Administrative fairness is undermined and public confidence is weakened when the same men serve as prosecutors and judges. The immigration and naturalization laws should be made to conform in all respects to the Administrative Procedure Act. The purpose of establishing quasi-judicial boards and trial examiners within administrative agencies is to provide them with independence so that the body of administrative law may be as fair and impartial as the body of common law and statutory law arrived at through court decisions. Further, to establish this independence for administrative review, the Congress should establish by law a Board of Immigration Appeals and a Visa Review Board.

We believe that the way to correct problems arising from the exploitation of wetbacks—illegal-entry farm laborers crossing the Mexican

border—is not entirely a matter of immigration but is a matter demanding the payment of decent wages and the raising of standards of living. Heavy penalties on employers of Mexican wetbacks not only do not solve the problem but often make it difficult for American Indians or United States citizens of Spanish or Mexican ancestry to obtain employment.

What would otherwise be constitutionally prohibited searches and seizures should not be permitted because of increased problems along our borders. Immigration officials should be held to the same standards required of all police officers.

In conclusion, I would like to say that the American Veterans Committee believes in an immigration policy which will embody affirmation of our highest democratic ideals—not a continuation of injustices against other peoples and nations. We have a sovereign right to be careful—but we cannot afford to turn our backs on our own history. Immigration was as responsible for making our Nation great as were our natural resources. We need new seed immigration, not merely a hand-picked, highly skilled few.

We need a more enlightened immigration policy—to be in stride with conditions and events.

Penalties should more reasonably be tailored to the offenses. We shouldn't jeopardize the status of millions in order to snare a few crooks.

We look forward with considerable interest to the report to be made by this Commission and we again pledge ourselves to work for the enactment of improvements in the immigration and naturalization laws.

The CHAIRMAN. Thank you very much.

Is Mrs. Murphy here?

STATEMENT OF MRS. RUTH Z. MURPHY, EXECUTIVE VICE PRESIDENT, NATIONAL COUNCIL ON NATURALIZATION AND CITIZENSHIP

MRS. MURPHY. I am Mrs. Ruth Z. Murphy, executive vice president of the National Council on Naturalization and Citizenship, 1775 Broadway, New York City, which is the organization I represent here.

I have a prepared statement I wish to read.

The CHAIRMAN. We shall be pleased to hear it.

MRS. MURPHY. The National Council on Naturalization and Citizenship is a coordinating organization the membership of which is made up of leading national, State-wide, and local social welfare, adult education and civic organizations and individual authorities in the field of nationality. Its advisory board has among its members important Government officials.

The National Council has a membership of about 70 organizations. Among its organization members are the following:

- American Friends Service Committee
- American Jewish Committee
- American Federation of International Institutes
- Church World Service, National Council of Churches
- Common Council for American Unity
- Hebrew Sheltering and Immigrant Aid Society
- International Rescue Committee

International Social Service
 Japanese American Citizens League
 Italian Welfare Committee
 Joint Distribution Committee
 National Board, Y. W. C. A.
 National Catholic Rural Life Conference
 National Council of Jewish Women
 National Lutheran Council

The State and local membership is widely distributed throughout the United States.

The National Council is concerned with nationality, naturalization, and with the education and integration of the foreign-born. It does not take any stand on immigration matters. It was organized in 1930 and has been working for legislative and administrative improvements throughout the years. The National Council does not support any legislative proposal unless it is submitted first to the council's membership and 75 percent of those voting are in favor. The council's stand, however, does not commit any particular member.

The National Council has always been guided by the belief that the best interest of the United States is served by the integration of the permanent resident foreign-born in the American community. It considers naturalization one aspect of integration and believes that no unnecessary obstacle should be put in the way of persons who would make suitable citizens. Although opposed to compulsory naturalization, it believes that every effort should be made to help qualified persons who seek citizenship to become naturalized.

It is significant to note that although there are approximately 10,300,000 foreign-born persons in the United States, there are less than 3,000,000 aliens. In the past decade, 1,188,980 new immigrants entered the United States and in the same decade, 1,764,450 became citizens; that is, about 50 percent more than the number who entered in that period. In general, this would seem to indicate a sound national situation. Also, it is significant that in recent years a greater proportion of the persons naturalized are recent arrivals than in former years when there was a greater tendency to delay naturalization.

It should be noted here that despite the large number of persons naturalized there has always been a very small number of cases of revocation of naturalization. In 1950 and 1951 there were 415 and 403 cases of revocation, and of these 95 percent were revoked because the person took up residence abroad within the first 5 years after naturalization. Only 42 cases in the 2 years were canceled for fraud or other reasons. Obviously, these numbers are infinitesimal compared to the number of naturalized persons in the United States and indicate the effectiveness of our administrative procedures in selecting suitable persons for citizenship. The good record of our naturalized population was confirmed by their wartime records. Our organization made a study some time ago of persons naturalized in Philadelphia 5 years after naturalization. Again, the record was excellent.

We must now consider the effect that the new provisions in title III, Public Law 414, may have on the integration of the foreign-born. This discussion is limited by the fact that the national council has not yet had a referendum among its members on a number of new provi-

sions. Title III removes a number of obstacles to naturalization, as follows: All racial bars to naturalization are removed; the oath of allegiance makes it possible for persons who will not bear arms because of religious conviction to become citizens; the age of naturalization is lowered from 21 to 18; the declaration of intention is maintained but is made optional; literacy requirements for older people are removed as they were in the Internal Security Act; naturalization cases may be processed, all but the taking of the final oath, during the entire period prior to an election. In addition, it gives persons who would lose their American nationality through their parents' naturalization abroad or expatriation, a chance to retain their citizenship by returning up to age 25, instead of 23, as formerly. It adds a number of additional exemptions from loss of nationality by naturalized persons residing abroad for extended periods. It facilitates the retention of citizenship by persons born outside of the United States of one citizen and one alien parent. It makes the citizenship of foundlings secure upon reaching the age of 21.

On the other hand, certain provisions of title III will undoubtedly have a retarding effect on integration. The National Council believes that the acquisition of the same nationality by members of the same family is in general desirable and should be facilitated. **Public Law 414**, compared with existing law, makes more difficult the naturalization of an alien spouse married to an American citizen. It also lowers the age up to which a child may derive citizenship from his parents. The new law reduces the age for derivation to 16 instead of 18 in the old law.

We also believe that there will be a retarding effect on integration created by the provision that a person should be investigated in the vicinity of his abode and vicinity of employment, in reference to his character for the 5 years immediately preceding the filing of the petition for naturalization unless the Attorney General waives the investigation. It should be noted that the Immigration Service has always had and used this right where the need was indicated. It would seem psychologically unsound to introduce this into the law as it is apt to create a sense of insecurity in the newcomer in his personal relations with neighbors and employers. If this provision is not eliminated from the law by amendment, a considerable increase in appropriations for investigation would be needed. Even under the present law, there are great delays in cases requiring investigation. Delays are obviously undesirable as they retard adjustment.

One of the sections that may have an effect on the sense of security and belonging on our foreign-born population is the inclusion of new grounds for cancellation of citizenship and the fact that these are retroactive. Of particular importance is the fact that naturalization may be canceled under **Public Law 414** for "concealment of a material fact" as well as "willful misrepresentation." The latter, equivalent to fraud, is desirable, but "concealment of a material fact" may work great hardship depending on its interpretation by the court. A person might unwittingly conceal a fact that he did not know was material or that some court might consider material. For example, in the new law, there is a requirement that a person make an averment of lawful entry. This places a great burden on the foreign-born person who might through ignorance conceal a material fact. A day's jaunt to Canada might quite unwittingly not be revealed and still be ma-

terial. We think the burden should be put on the Service to ask all necessary questions in great detail and with full explanation and cancellation should then only result when there is actual fraud. We also believe that no grounds for cancellation should be retroactive.

There are certain abridgements of the rights of naturalized citizens which the National Council believes should be removed. We believe that a naturalized person who resides abroad for 5 years or more in a country other than the country of his birth or former nationality should not lose citizenship merely for such residence. We also hold that naturalized veterans should be allowed to live abroad in the country of birth as well as any other foreign country without losing citizenship.

We believe there are sections of the act that affect the native-born as well as the naturalized that are too stringent. We do not believe that a person's acts under age 18 should result in expatriation. We believe that a person who has been deprived of rights of citizenship should have the right he formerly enjoyed under the Nationality Act of 1940 to judicial review and to return to the United States for purposes of pleading his case.

I would like to point out Public Law 414 has not made naturalization more administrative but has left it a judicial process. This is highly desirable. It also retains provisions for close cooperation of the Service with the public schools for encouraging the education of the foreign-born for citizenship. It does not, however, simplify procedures for legalization of entry known as registry procedures.

In conclusion, I would like to discuss the administration of the nationality laws. This is the function principally of the United States Immigration and Naturalization Service. Since the Service is one of the first contacts the newcomer has with our Government, the quality of their service is of prime importance. It is, therefore, good to report that for a number of years there has been a consistent emphasis on the concepts of service and courtesy. Of course there are individual exceptions, but in general we may look to the Service with a great deal of pride. This is also true of the Passport Division of the Department of State, which is the other Government department concerned with nationality problems. We know that if adequate funds and facilities are provided in the future, we may count on these branches of our Government to continue their fine public relations which play such an important part in integration of our foreign-born population.

In closing I would like to read a resolution passed at the annual meeting of the National Council on Naturalization and Citizenship on Friday, March 24, 1950, at Hotel Astor, New York City, which expresses the NCNC's policy. The resolution reads as follows:

Whereas the National Council of Naturalization and Citizenship has always been guided by the belief that the interest of our country is best served by the full integration of our permanent resident foreign-born population into the American community; and

Whereas the National Council on Naturalization and Citizenship believes that sound legislation in the nationality field can be achieved only if we take cognizance of the interrelationship of the nationality laws of different countries: Therefore, be it

Resolved, That the National Council on Naturalization and Citizenship adopt the following principles as a guide for the future program:

1. Every person should acquire a nationality at birth and not lose it involuntarily without acquiring another nationality.

2. Dual citizenship and the conflicts resulting therefrom should so far as possible be eliminated.

3. Acquisition of a common nationality by members of the same family is in general desirable and should be facilitated.

4. Aliens should not be disqualified from naturalization because of race.

5. Administrative procedures leading to the naturalization of aliens should be uniform, expeditious, and fair to the applicant without interfering with the Government's obligation to withhold citizenship from individuals not qualified under the law.

6. The induction to citizenship should be dignified and should signify the importance of the act; and be it further

Resolved, That the legislative and administrative committee of the National Council on Naturalization and Citizenship be asked to review the council's program and, wherever indicated, to implement these principles by appropriate proposals.

The CHAIRMAN. Thank you very much.

Mr. ROSENFELD. Mr. Chairman, before you conclude for the day, I should like to ask that the record show that Miss Ann Tedloe, research secretary for the Women's International League for Peace and Freedom, has requested permission in behalf of her organization to submit a written statement by November 1.

The CHAIRMAN. That may be done, and the record will remain open at this point for the incorporation of the statement when it is filed.

(The statement of the Women's International League for Peace and Freedom, United States section, submitted by Miss Emily Parker Simon, chairman, policy committee, follows:)

STATEMENT SUBMITTED BY EMILY PARKER SIMON, CHAIRMAN, POLICY COMMITTEE,
WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM, UNITED STATES
SECTION

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM,
Washington 6, D. C., October 30, 1952.

Mr. HARRY N. ROSENFELD,

Executive Director, President's Commission on Immigration and Naturalization, Executive Office, Washington 25, D. C.

DEAR Mr. ROSENFELD: Enclosed you will find a written statement to be submitted to the President's Commission on Immigration and Naturalization. I hope you will be able to include it in the record of these hearings.

We very much appreciate this opportunity to present our opinion on this subject to the Commission.

Sincerely yours,

EMILY PARKER SIMON,
Chairman, Policy Committee.

Immigration by its very nature is an issue which cannot be dealt with singly. It must be viewed as an integral part of the total picture of United States domestic and foreign policy, for its ramifications are international in scope. Today, this is probably more true than ever before. Millions are still homeless as migrants or refugees as the result of the Second World War. Since then, the war in Korea has left many destitute, as has Communist expansion; a problem has been created by those who are now escaping from Russia or its satellites into Western Europe, further adding to their burden. The problem facing the world—it can be ignored by none—is not merely a humanitarian one, but economic and social as well.

The Women's International League for Peace and Freedom has always stood for the principle of the free movement of people. We hope that eventually nations will cooperate with each other in making this possible. Meanwhile, we urge the United States Government by various steps to move toward this goal. Specifically, we feel the United States should continue its support in aiding refugees through the United Nations as it has done in the past, but we feel the present immigration laws should be greatly liberalized. The two facets of our immigration policy, national and international, seem now in direct contrast.

The United States helped in drawing up the Charter for Refugees under the United Nations, and later signed this document. We worked with the Palestine

Relief Agency and are now cooperating with the United Nations Korean Relief Agency. We joined with 16 other nations in forming the Provisional Intergovernmental Committee for the Movement of Migrants from Europe, to carry on the work of the International Refugee Organization.

Our present national immigration laws should continue our policy of international cooperation, by encouraging particularly at this time immigration in the United States. While the Displaced Persons Act was especially designed to meet the emergency crisis in Europe after the war by admitting many aliens to this country, its operations have been concluded, leaving the situation there still acute. Meanwhile, there has been a complete reversal of the trend toward cooperation in the larger sense, in the form of the McCarran-Walter Immigration Act. In recodifying all our immigration laws, this law, using discriminatory and arbitrary judgments, in effect discourages, rather than encourages, people from entry.

Rather than analyzing the various objectionable features of this new law, we feel it is more constructive to simply register our opposition to it and, at the same time, to offer suggestions for its modification.

RECOMMENDATIONS

1. The number of aliens to be admitted each year should be based on a percentage of our total population. The specific number of aliens to be admitted from each nation should be distributed according to the need of that nation for emigration. If numbers are left unused, they should be added to the percentage the following year.

2. There should be no discriminatory feature in the law, based on race, nation, sex, belief, affiliation, or special skills. Special preference should no more be given to those from behind the iron curtain than to others in need of help.

3. There should be no discrimination between native-born and naturalized citizens so that all will be insured the same rights and freedoms.

4. In all cases of exclusion or deportation, proper legal or judicial channels should be provided and insured. Channels for appeal should likewise be provided.

Mr. ROSENFELD. There are also three other statements we have received which I should like to have incorporated in the record. They are a communication from Miss Sally Butler, director, legislative research, General Federation of Women's Clubs, a statement from the War Resisters' League, and a communication from Mr. Alexander T. Wells, past president, International Lions.

The CHAIRMAN. Those may be inserted in the record.

(The statements follow:)

STATEMENT SUBMITTED BY SALLY BUTLER, DIRECTOR, LEGISLATIVE RESEARCH,
GENERAL FEDERATION OF WOMEN'S CLUBS

GENERAL FEDERATION OF WOMEN'S CLUBS,
Washington, D. C., October 6, 1952.

Mr. HARRY N. ROSENFELD,
*Executive Director, President's Commission
on Immigration and Naturalization,
Executive Office, Washington 25, D. C.*

MY DEAR SIR: Your news release for September 4, with the attached material, came to this office addressed to our president, Mrs. Oscar A. Ahlgren, and was turned over to us as the legislative department.

I shall be very happy to attend the sessions of this meeting although the general federation has taken no action upon the immigration laws of our country. We have a resolution regarding naturalization, believing that people who take advantage of the opportunities of this country should become citizens within a reasonable time, unless they are assigned here either on specific duties for their government or for business reasons.

Therefore we are interested in the subject and I shall be glad to attend as an observer on October 27 and 28, as a representative of the General Federation of Women's Clubs.

Sincerely,

SALLY BUTLER,
*Director, Legislative Research,
General Federation of Women's Clubs.*

STATEMENT SUBMITTED BY THE WAR RESISTERS' LEAGUE

Mr. Chairman and members of the committee, the McCarran-Walter Immigration Act of 1952 permits the naturalization of individuals who are conscientious objectors to bearing arms because of "religious training and belief" only. Furthermore, it defines religious training and belief as meaning "an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code."

This provision and the definition of religion it contains are highly objectionable and in violation of the best American traditions. They act to exclude from citizenship members of religious organizations like the Unitarians, Ethical Culturists, and eastern religious groups that do not subscribe to a Deity. They are in disagreement with concepts of religion held by some of the greatest American philosophers like George Santayana and John Dewey, who said:

"Religious qualities and values, if they are real at all, are not bound up with any single item of intellectual assent, not even that of the existence of the God of Theism" (*A Common Faith*, John Dewey, pp. 3, 27).

Their effect is persecutory toward morally decent but nonreligious individuals who are excluded from citizenship if they do not hold to a belief in a God or whose conscientious scruples do not follow the semantics of a church.

This definition is a step backward from the definition of "conscientious objector" in the 1949 draft law under which 2,000 objectors who were recognized and sent to work camps were classified as nonreligious in motivation. The United States, which should be a model of democracy, thereby takes second place to England, where fully 40 percent of recognized objectors are nonreligious.

This committee is urged to reverse the tide toward exclusion and, instead, to liberalize the definition so as to include all types of conscientious objectors to war, thus giving affirmative evidence of our willingness as a people to afford full recognition to the rights of conscience. The fact that the nonreligious objector constitutes a small minority is no ground for failing to give him equal consideration under the law.

Supreme Court Justice Jackson, in his dissenting opinion in the *Tessim Zorach* case on April 28, 1952, stated:

"The day that this country ceases to be free for irreligion it will cease to be free for religion—except for the sect that can win political power."

STATEMENT SUBMITTED BY ALEXANDER T. WELLS, PAST INTERNATIONAL PRESIDENT, INTERNATIONAL LIONS

NEW YORK, N. Y., September 29, 1952.

MR. HARRY N. ROSENFELD,
Executive Director,

President's Commission on Immigration and Naturalization,
Washington, D. C.

DEAR MR. ROSENFELD: This is to acknowledge, with thanks, your invitation to attend the hearings to be held in New York City by the President's Commission on Immigration and Naturalization, to present my views and those of our organization, the International Association of Lions Clubs, as to what our immigration policy, law, and administration should be and to say frankly that, in view of the fact that no special study of the questions under consideration by the President's Commission has been made by either our organization or myself, I do not feel that I should take up the valuable time of the Commission by dealing in generalities when there are so many who have made a study of the subject and are eminently qualified to make a real contribution to the work of the Commission.

One section of Lions Code of Ethics reads, "To aid my fellow men by giving my sympathy to those in distress, my aid to the weak, and my substance to the needy." In keeping with the spirit thus expressed, and in view of the problem presented to the free countries of the world by the rapidly increasing stream of refugees and escapees from behind the iron curtain, it is my personal opinion that all of

our members, with due regard to the maintenance in the United States of proper social and adequate economic conditions and the furtherance of beneficial foreign policy, would like to see the hand of liberty, as symbolized by the Statue of Liberty, extended to as many needy foreigners as possible, but appreciate that, as indicated by the book representing the Law, carried in the left arm of Miss Liberty, Liberty must be based on law, and that the Law there represented, the law of July 4, 1776, must be extended and amplified to meet the pressing needs of today. Certainly, all of us extend to the members of the Commission our very sincere and earnest wishes for the successful accomplishment of the all-important task that they have so unselfishly undertaken.

Very sincerely yours,

ALEXANDER T. WELLS,

Past International President, International Lions.

The CHAIRMAN. The hearing will now stand adjourned until 9:30 o'clock tomorrow morning.

(Whereupon, at 5:40 p. m., the Commission was adjourned to reconvene at 9:30 a. m. Wednesday, October 29, 1952.)

HEARINGS BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

WEDNESDAY, OCTOBER 29, 1952

WASHINGTON, D. C.

TWENTY-NINTH SESSION

The President's Commission on Immigration and Naturalization met at 9:30 a. m., pursuant to adjournment, in the Archives Auditorium, National Archives Building, Washington, D. C., Hon. Philip B. Perlman, Chairman, presiding.

Present: Chairman Philip B. Perlman; Mr. Earl G. Harrison, Vice Chairman; and the following Commissioners: Dr. Clarence E. Pickett, Msgr. John O'Grady, Mr. Thomas G. Finucane, Rev. Thaddeus F. Gullixson.

Also present: Mr. Harry N. Rosenfield, Executive Director.

The CHAIRMAN. The Commission will please come to order.

Dr. Bush, you are the first person scheduled to appear before the Commission this morning, and the Commission will be glad to hear any statement that you have.

STATEMENT OF VANNEVAR BUSH, PRESIDENT OF THE CARNEGIE INSTITUTION OF WASHINGTON, FORMER DIRECTOR OF THE OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

Dr. BUSH. I am Dr. Vannevar Bush, president of the Carnegie Institution of Washington. I was formerly Director of the Office of Scientific Research and Development. I am also a trustee of Johns Hopkins University, Tufts College, regent of the Smithsonian Institution, a member of the corporation of the Massachusetts Institute of Technology. I also have membership in a good many societies, and so forth.

The CHAIRMAN. You are a member of many scientific societies and organizations and the author of many books and papers and other articles on scientific subjects?

Dr. BUSH. That's right. I even occasionally make speeches. I would like to read a statement.

The CHAIRMAN. We shall be pleased to hear it.

Dr. BUSH. I will present a very brief statement, for it seems to me that I am more likely to be of service to you in the short time that is available if I attempt to answer some of your questions. Moreover, I will devote myself entirely to the problem of bringing scientists to this country.

I do not think that I need to enlarge upon the need for having plenty of vigorous fundamental science in this country. The history of the atomic bomb shows only too well how completely our safety may be dependent upon being preeminent in all such fields. And with the present allegations by Russia concerning biological warfare before us I feel that we all understand the complete necessity of being thoroughly in advance on all phases of biological science. Moreover, beyond the matter of safety, we take pride in this country and we wish to be in the forefront of all important fields of human endeavor of an intellectual sort and among these in the forefront of all branches of fundamental science.

Scientific ability of a high caliber is rare, and it does not appear in one race or at any one time. We in this country have been adept at the applications of science and at technology. But all scientists recognize that those individuals who can, by their genius, advance basic science significantly are spread throughout the world. When we have an opportunity to bring to this country a highly capable individual of this sort, if he is of such character that he will become one of us in the furtherance of our way of life and the preservation of our free institutions, we should certainly welcome him, for he can aid us greatly on our way.

My principal criticism of our law in regard to immigration and naturalization, as far as the scientist is concerned, is that the shoe has always seemed to me to be on the wrong foot. Instead of placing our emphasis on the desirability of attracting the right individuals, most of our emphasis has been on the problem of keeping the wrong ones out.

Now, I certainly feel that we ought never to admit to this country in any way any subversive individual if we can possibly prevent it. Moreover, we have in our midst aliens who would overthrow our form of government by force if they could do so and I hope we can find ways of getting rid of them more completely. Yet, this we need to accomplish while preserving our freedom completely and while protecting the rights of an individual as they were laid down by the founding fathers. This is not easy and I have great sympathy with those who struggle with the intense problem of accomplishing this result with full propriety. But the problem here is no greater among scientists than it is for any other group, and feel that in our laws and our regulations there has been so much emphasis on this aspect of the affair, as necessary as attention to it is, we have lost sight of the other aspect that it is much to our interest to attract the right people if they can add significantly to our affairs. My criticism of our procedure in the recent past, therefore, is principally that we have surrounded the matter with so much difficulty that we have certainly appeared to the rest of the world to be intent on keeping people out, rather than intent on keeping the wrong people out while attracting the right ones.

Let me give you an example, now fortunately a matter of history. I know of an individual who was one of the best scientists that there is in the difficult field of the chemical action of muscles. He is one of the men who is beginning to tell us how muscles work chemically and why. During the war this man, who was born in Hungary, was thoroughly opposed to the totalitarian regime as there established.

However, he was a medical man and was drafted into the Hungarian armed forces during general mobilization. After the war he went on a research fellowship to a Swedish university and when he refused an order of the Hungarian Government to return to Hungary, he was deprived of his citizenship and became stateless. He had certainly demonstrated that he believed in living in a free world.

Nevertheless, when he was invited to a teaching position in an important American university, and after he had met all of the academic qualifications for a professor's visa under the law then in effect, he would have been barred forever from even entering the United States. Under the exclusion provisions of the Internal Security Act of 1950 (reenacted in the new Immigration and Nationality Act), as then administered, this man was considered to be a former member of a totalitarian party—and hence excludable—solely because he was drafted into the Hungarian Army, which was considered to have been affiliated with the German Wehrmacht which was considered to have been affiliated with the Nazi Party. After a 2-year legal battle he was finally able to overcome all obstacles and accept the position offered to him. This, however, occurred only because Congress clarified the interpretation of the exclusion provisions so that being drafted into the Hungarian Army did not make this man a member of a totalitarian party.

I quote this case, even although the particular matter that caused the most difficulty here has been overcome, because I think it illustrates that our emphasis has been in the wrong place. Certainly there should be a way in which a scientist of this man's attainments could have been admitted upon a showing that he had been actively opposed to life under a totalitarian regime. I feel that we ought to search diligently, therefore, for simple ways of admitting the right men; in fact, searching for them and attracting them without abandoning in the slightest degree legitimate and workable safeguards against admitting outright Communists to this country.

There is one other aspect of the subject which disturbs me. Under the new act our admission of scientists on a resident basis is tied in with the quota system. Now, I have no quarrel with the quota system as such. Moreover, the probability is that this particular tie-in itself may not bar very many individuals that we might otherwise welcome. But there is no connection between scientific ability and geography or even race, and the connection with the quota system is hence somewhat illogical. Moreover, our search for highly competent scientists, and our feeling that they would add to our strength and standing as a nation, is quite a different thing from our problem of the admission of immigrants generally with proper control of the numbers and their backgrounds. I feel, therefore, that we would be on sounder ground in tackling the problem of scientists if we approached it quite independently of the handling of quotas.

I trust that you will realize that I understand that you have an exceedingly difficult problem before you and that no laws on this subject can ever be perfect. Allow me, however, to make one more point. Every law on this subject is bound to leave to administrative agencies interpretations in particular instances. The law certainly should be as specific as possible, and the judgments as to policy should be rendered by the Congress rather than by agencies operating under the act as far as this can be accomplished in the formation of the law.

I think that some particular recent difficulties in the admission of scientists, and there certainly have been many, for there is no doubt whatever in my mind that the matter has been in a great deal of confusion with consequent misunderstandings and some distress, have been due to the fact that the policies laid down in the law have not been sufficiently explicit and interpretations of the law have led to placing in the path of possible incoming scientists obstacles beyond all reason. I would like to urge, therefore, that when Congress next acts on this matter there be every attempt made to render the policies so explicit in the law that there will be no confusion in their interpretation and application among administrative agencies.

In conclusion, may I repeat that I feel that this country can benefit greatly by making the entry into its affairs straight-forward and uncomplicated for outstanding scientists wherever they may now be located, provided we have simple effective methods of discovering and excluding those few individuals among scientists that we just don't want in a free country.

Commissioner HARRISON. Dr. Bush, your remarks have been directed in the main upon the importance of having scientists enter the country under the present immigration laws, and so on. In your wide experience I am sure you have had some occasion to deal with the more temporary problem of the admission of scientists for the purpose of conferences and discussions, that is, colleges, learned societies, and so on. Would you care to make any comment on that?

Mr. BUSH. Yes, thank you, Mr. Harrison. I think much of what I have said applies there very strongly. There has been a great deal of difficulty due to the fact that the temporary admission of scientists for conferences for meetings and the like has been exceedingly complicated and difficult under the administration of the law. I am quite sure that this has given a bad impression throughout the world of our attitude in this country toward scientists generally, that many individuals, distinguished scientific people, invited to this country felt that this country has treated them very badly. Even where there has been no exclusion—and there has been some exclusion where it has been exceedingly embarrassing to scientific people—the impression has been very bad, indeed, and I think that goes back to the point that our procedure has been exceedingly complex and that we have been so intense in this country upon excluding the undesirable alien, with which I have full sympathy, that we have lost sight of the fact that we ought to welcome distinguished scientists to this country when we have conferences or for temporary residence among us for conferences and consultations.

The CHAIRMAN. In some of these instances, Doctor, are they invited to deliver a paper at a seminar or symposium of some kind, and would they only be in the country for a few days?

Dr. BUSH. That's right. And then there are fellowships. We, in my institution, appoint young chaps who are outstanding individuals to come and work with us for a year, and we supply them with funds so that they can do so. Well, the complications are sometimes quite irritating in all of those cases.

The CHAIRMAN. Then are you suggesting that steps should be taken, first, probably, by Congress, but certainly administratively to smooth out the path and make it easy for desirable people to come here without any undue handicaps?

Dr. BUSH. I think it's most a point of view reflected from the law down through the administrative agencies to the individuals that are administrated, and I wish somewhere in the law, in the preamble or somewhere else, it be stated that it is the intent of Congress to facilitate the admission of scientists of great stature whenever it will be to the benefit of this country to have them with us, to impress upon the entire administrative structure that that is the object and not merely to sit back and be dead sure that there are no subversives admitted, to make clear that there are two sides to this question.

Mr. ROSENFELD. How would you administer that? Let's take the ordinary situation of a consular officer who perhaps might not be presumed to be able to determine whether a person is of the distinguished character you mention. Some of the scientists who have appeared before the Commission have recommended that a statement by a reputable university or scientific institution be considered *prima facie* evidence as being a satisfactory basis for such decisions. Would that meet your general point?

Dr. BUSH. I think we have an excellent way of handling that at the present time. There is in the State Department a scientific officer. That desk was created, I think, only 2 years ago, may have been 2½, and Dr. Koëpfl is now the incumbent. That office is in contact with all the scientific bodies and universities in this country. Any individual, consular agent, or the like, who has a question, can, I think, best make an inquiry through that office, for that office can determine not only that the organization or individuals making the statement are competent, but he can, if necessary, make direct contact to go into the matter further. It seems to me there is, therefore, an excellent way in which testimony as to a man's standing can readily be obtained.

The CHAIRMAN. Have these difficulties continued despite the creation of this post in the State Department?

Dr. BUSH. I think the creation of that post has helped, but the difficulties continue largely because it is not leaned upon in this connection.

Commissioner O'GRADY. Do you think there could be developed a more practical way of determining admission of scientists from other countries to the United States with special emphasis on the people who are essential to the welfare of our country?

Dr. BUSH. I think, after experience and with some difference in emphasis and the difference in point of view, it should be perfectly possible, especially for a scientist who is coming here temporarily to be given one review and one clearance, and I think that could very often be based merely on the statement of his position in his own country. If he is an established professor of an outstanding institution, then in the absence of some real reason for investigating the matter, I think that chap should be cleared at once and without question for a visit to this country. For residence more care is necessary.

The CHAIRMAN. You mean, just visit here for a short time, a few days or few weeks?

Dr. BUSH. Suppose he is a Communist? What harm can he do coming over for a week?

Commissioner O'GRADY. Would you favor that scientists be admitted on a nonquota basis?

Dr. BUSH. I think they should, Monsignor. There is no connection between scientific ability and race or geography. Our outstanding

scientists in this country have come from all over the world, either individually or by ancestry, and it is a very interesting thing that science ability, ability in fundamental science, has so little relationship to race. True, I think scientists differ in their mental attitudes according to their race, but that does not interfere with the fact that there have been outstanding individuals from every country. I might say, for example, that among the Russians you will find the type of scientific ability that is shown by the fact that they are the outstanding chess players of the world. They are, and you find that characteristic among them. You don't find, I think, the brilliance that you find, let me say, if you will allow me to, among scientists of the Irish race, who are brilliant in every field that they enter. But while the race is different, each one in the scientific field has something to contribute, and there is no monopoly of scientific ability anywhere, and for that reason I feel that it is far better that we should divorce our entry of scientists from the quota system merely so the thing will be thought of in the proper terms. I can't say that I think the quota system at the present time interferes with the entrance of many scientists, there are so few.

Mr. ROSENFELD. Professor Bush, in 1948, Commissioner W. W. Waymack, of the Atomic Energy Commission, made this remark, and I'd like to read it, to inquire whether you think it is still pertinent. This was made in Cleveland on April 2, 1948:

Even a casual look at the background must make clear as crystal to anyone the fact that the release of atomic energy and all that comes with it, is a result of a world-wide search for knowledge which began farther back than we can probe and which in later stages was thoroughly international. Any look at the record that is more than casual will reveal that many more of the major contributions to the basic knowledge required were made by scientists of other nations. American contributions were fine; there is no need to depreciate them. But to miss the point that more of the basic discoveries came from abroad would be dangerously unrealistic—"dangerously" because it would obscure the fact that up to now America has depended heavily on the rest of the world in basic scientific research. It would obscure the fact that we are today dependent for further advance upon a comparative few.

Is that still true?

Dr. BUSH. That is still true. There has been a change. The basic science that went into the atomic-energy program was certainly international and world-wide, and certainly from the fundamental standpoint this country contributed only its reasonable share and by no means the major part of the fundamental basis for that advance. In fact, before the war, this country was very largely dependent upon the rest of the world for the fundamental advances in many pure fields of science. In this country we have always been good, you know, at applied science and technology in gadgetry and the like, but we have not been preeminent in fundamental science until fairly recently. Now, since the war, I feel that we are forging ahead and that we are gaining a preeminent position in many pure fields where we were not preeminent before. We have advanced greatly in that regard, and I hope that will continue.

The CHAIRMAN. Thank you very much, Doctor. We appreciate it.

Dr. BUSH. I wish you all success, gentlemen, and thank you very much.

The CHAIRMAN. Thank you for appearing.

(There follows a supplementary statement submitted by Dr. Vannevar Bush.)

CARNEGIE INSTITUTION OF WASHINGTON,
Washington, D. C., November 20, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
1740 G Street NW., Washington, D. C.

GENTLEMEN: I have now studied the proposed regulations under the Immigration and Nationality Act which were published in the Federal Register for November 6, 1952, subsequent to my appearance before the Commission. These illustrate, it seems to me, rather forcibly a point which I attempted to make in my testimony. May I therefore supplement my statement before the Commission briefly?

In that statement I tried to make clear my feeling that there was real advantage to this country in attracting outstanding scientists under proper circumstances. I also attempted to make it clear that I felt strongly that we should take proper steps to exclude subversive individuals of any sort from entering the country. But I added that I hoped we could do this in relatively simple ways, for I felt that the very complexity of our procedure acted to our disadvantage. In fact I feel that we can at the same time be rigorous in our activities to exclude undesirable persons and indicate an attitude of welcome to those who could add greatly to our affairs.

On examining the new proposed regulations I find that the language of section 203 (a) (1) of the act recognizes the principle of giving priority to qualified quota immigrants whose services are urgently needed in the United States because of high education, technical training, specialized experience, or exceptional ability. But the proposed regulations for administering the section of the act (p. 204 of the proposed regulations) appear to me to make it unduly difficult for a skilled scientist to secure admission to the United States. The proposed regulations require a time-consuming procedure for obtaining documents, including a clearance from the United States Employment Service, written statements from labor organizations, affidavits of persons having special knowledge about the alien scientist, clippings of advertisements for persons in the United States to perform the services which it is proposed the alien should render, copies of diplomas and school certificates, and so on.

I hope the Commission will emphasize the desirability of simplicity of procedure. I recognize how difficult it is to be sure that we keep out subversives and at the same time admit desirable additions. But I believe that with a strong indication by the Commission the matter could be made far more effective than at present.

Respectfully,

V. BUSH.

The CHAIRMAN. The next person on the schedule for this morning is Mr. John W. Gibson.

STATEMENT OF JOHN W. GIBSON, FORMER CHAIRMAN, UNITED STATES DISPLACED PERSONS COMMISSION, AND FORMER ASSISTANT SECRETARY OF LABOR

Mr. GIBSON. I am John W. Gibson, former chairman of the United States Displaced Persons Commission. I was also former Assistant Secretary of Labor.

I should like to read a statement.

The CHAIRMAN. You may do so.

Mr. GIBSON. Gentleman of the Commission, unlike most of the people who have testified before your Commission, I have no real words of wisdom on regular immigration. It is a very complicated field that only the experts know. However, we must all remember our democracy was built and made great on an open immigration policy which immigrated peoples from every land on earth. The melting of their

cultures, customs, and traditions has in less than 300 years placed the United States in a position of world leadership never before known. A quarter of a century ago, the gateway to the United States was slammed and barred shut and a very narrow, select, discriminating quota system was placed into operation. Governmental administrative processes have further reduced immigration until little more than a half of the quota numbers available are issued. This results from two primary reasons: One, certain countries like England, Ireland, and so forth, because of the quota system's base period have top-heavy and sometimes unneeded quota numbers made available while other nations with just as substantial numbers of Americans of their descent have much smaller quotas. This is due to discriminating base periods, as established by law. Italy, Greece, Poland, and so forth, are exceptional examples.

As chairman of the Displaced Persons Commission, my efforts were devoted to temporary emergency legislation, or the resettlement of refugees of World War II, and expellees made homeless by Communist aggression and to this problem, I wish to direct my attention.

In the outset, let me say quite frankly that during the struggle over the passage of the McCarran omnibus bill, a false impression may have been created whereby many sincere people think a pooling of unused quotas would give relief to overpopulation and refugee problems. In my opinion, it would not be of any real assistance in finding a solution to these emergency world problems for two reasons: First, the limited number of unused quotas would be too small to bring any real relief; second, administrative delays are responsible for a large number of unused quotas. If they are to be pooled and reissued, I feel the administrative officials in those countries would speed up the process and issue them to people in the countries and numbers as outlined in our quota laws instead of letting them revert to any pool arrangement.

The hope of world peace lies in the free world finding a satisfactory solution to the overpopulation and refugee problem of Western Europe, particularly Italy, Germany, and Greece, to say nothing of the millions of homeless refugees in the Far East.

In Italy and Trieste 480,000 Italians were repatriated from former colonies following the war. Italy's loss of Venezia Giulia to Yugoslavia resulted in the flight of some 125,000 from that territory to Italy. Military camps in Trieste are full of refugees from Communist Yugoslavia. Italy possesses the most acute overpopulation problem in Western Europe. It is no mere coincidence that the largest Communist Party in Western Europe is found in Italy, and a large and fast-growing neo-Fascist vote in seriously overpopulated Southern Italy is alarming. The present over-populated condition in Italy invited Communists to take over. This land of poverty and frustration breeds communism.

Our \$2½ billion aid program may all be lost unless the free world finds an outlet for 400,000 people annually from Italy. Present flow to all countries per year is only 180,000. In our entire DP program we moved only 2,000 Venezia Giulians as authorized by the act. This is a sorry contribution for a country like ours to make when in Italy alone the refugees number three-fourths of a million. It is not easy to separate refugees from overpopulation under conditions which exist there. Italy's total population problem exceeds 2 million. Two mil-

lion homes have to be found elsewhere for people who have no economic chance.

Contrary to popular belief that the Italian birth rate is too high for any effective solution, a report of the Department of State's Office of Intelligence Research, on March 27, 1951, shows that Italy's birth rate has been declining for two generations and that at the present time Italian population is barely replacing itself, and that Italy's population growth will eventually disappear.

In Western Germany is a country of first asylum for refugees. About 10 million refugees and expellees have been forced to flee iron-curtain countries since the war. It is estimated a number as high as 20,000 per month flee from East Germany to the west, plus hundreds of non-German refugees who flee each month from behind the iron curtain. Refugees in this number cannot be readily absorbed into the West German economy. This places a combustible strain on their economy. Last spring (1952), the Bonn Ministry for Expellees estimated only 30 percent have permanent employment, 40 percent are part-time employed in an unstable wage-earning position, 30 percent public assistance or relief, with 340,000 expellees living in mass camps. In view of these, the Bonn Government estimates at least 1,200,000 need to be emigrated elsewhere. These expellees account for 20 percent of West Germany's population (1 out of 5 people in Western Germany is an expellee or refugee). This problem presents a sharp political question in Germany. Stable democratic political growth may be jeopardized by the expellees' and refugees' inclination toward political adventure. They are already a major and decisive factor in German political life.

Greece has undergone three upheavals in the past generation, seriously affecting its population structure and resources: The exchanges of population with Turkey in 1922-24; the German and Italian occupation in World War II; and the civil war against the Communist guerrillas in the postwar period.

The dislocation of population, the wiping out of entire villages and towns, and the devastation of land and physical resources which resulted from these aggressive acts during World War II and the Communist guerrilla terror that followed have heavily strained this small, but free, nation. The all-out effort at reclaiming land, the rebuilding of the villages and towns still falls far short of; the basic requirements of the native population. There are three main groups of surplus population which give rise to the present need for emigration from Greece: 750,000 refugees from the interior of the country, victims of the guerrilla war; 40,000 to 45,000 refugees of Greek and other nationality of the countries of southeast Europe; and the annual surplus population of approximately 30,000 persons. The interest of the United States Government of this problem was evidenced by its program for the admission of 10,000 Greek persons into this country under the 1950 amendments to the Displaced Persons Act. The Greek Government estimates a need for emigration of 30,000 of its surplus population per year.

The Netherlands, too, lost colonies following the war which gave outlet for her overpopulation—emigration now number 40,000 per year to Canada, Australia, and some other countries, etc., but emigra-

tion of another 25,000 per year is needed. So concerned has the Netherlands been with the problem, that Queen Juliana has communicated directly to President Truman.

I do not propose that the United States try alone to solve these overpopulation and refugee problems, but in our position of world leadership we must not only resettle substantial numbers in the United States, but we must give leadership to Canada, Australia, South America and other countries in the promotion of emigration schemes and the maintenance of international organizations through which the job must be done. These people arrive in countries of first asylum destitute without money and resources necessary to emigrate, therefore, planned emigration and resettlement schemes must be developed and internationally financed.

The United States has spent billions of dollars through the Marshall plan, Economic Cooperation Administration, Mutual Security Agency, point 4 program, and the Technical Cooperation Administration to rebuild the strength of the free world and to develop the underdeveloped countries. Money alone can never complete this job. It takes money, plus men. In finding a solution to these overpopulation and refugee problems, we also find a reservoir of skilled manpower to develop underdeveloped countries. This, perhaps, in terms of strengthening West Europe and aiding underdeveloped countries is as important as the money we spend. We also have an extra dividend in that we are building pockets of resistance against communism, with willing people who have suffered the most from totalitarian dictatorships.

In closing, let me remind you that when the DP Act ended, 7,500 eligible displaced persons were left when our program closed. Thirty-two thousand eligible expellees were prevented from being united in this land of hope, as a result.

In the DP Act, a way around our stringent quota system had to be found. As a result, quotas of certain countries were mortgaged. To handle this emergency, under normal immigration, only 2,500 people from Latvia, Estonia, and Lithuania would have entered the United States during the life of the DP Act, instead of 62,000 who were admitted, but as one of the consequences, Latvia's quota is mortgaged until the year of 2274.

I urge your Commission to call attention to this ridiculous situation and hope you will urge Congress to burn the mortgage.

I want to also direct your attention to President Truman's March 24, 1952, proposal to the Congress to permit 100,000 people a year for 3 years to emigrate on a nonquota basis. I strongly urge you to recommend similar temporary emergency legislation. In my judgment, this problem in the light of world events, and the struggle against world communism, is equally as important as our long-range immigration policy.

That ends my prepared remarks. I hope you will deal effectively with this problem and will direct a substantial amount of your attention to it, because I feel it is a part and parcel of any immigration policy that the United States may embark on during the next number of years. I would say at least 10 to 15. I think it is one phase of our foreign policy where we must put the selfish best interest of Uncle Sam first and not just put him as some good fellow dressed in a pair of striped pants who loves the whole world.

I think we are serving our own selfish purpose when we give homes to these people and when we try to give some aid and comfort to the refugees from communism. I think in the world struggle we are playing for keeps, and I think these dislocated people are a real problem. We call them, on many occasions, the O-bomb, and we said it was more devastating than the atomic bomb or the hydrogen bomb, and the reason is, as all of us know very well, that these conditions which exist in Western Europe are really the breeders and the creators of war. And while the other great weapons mentioned merely are weapons of war, in finding a solution to some of these problems we may be doing more for world peace than any of us could possibly visualize at this time.

Commissioner FINUCANE. I just have one question, Mr. Gibson. From your experience, what do you think of this program so far advanced to take care of refugees—that is, advanced in the press and bills in Congress, which visualize admitting roughly 300,000 over a 3-year period. Now, assuming that other nations would follow our example and would likewise admit additional numbers of the class you have described, do you think that the problem at the end of 3 years would disappear, or do you think we would still have a problem at the end of 3 years?

Mr. GIBSON. Oh, I think undoubtedly there would still be a problem, but it would be relieved to a very substantial extent. Let's take the situation following World War II. We had over a million refugees as a result of the war in Germany. We took some three-hundred-thirty-odd thousand of them here in the United States, but there were over a million of them moved to other countries throughout the world, Canada, Australia, and South America. And I think it had a terrific effect upon our ability to keep Western Europe intact following the war.

No; I don't think it would be solved. I think as long as communism is on a rampage, there are going to be pockets of refugees in various sections of the world for a long time to come.

Commissioner PICKETT. I was interested in your comment about financing the emigration and resettlement of this special group of immigrants.

Mr. GIBSON. I said "internationally financed," is the way I termed it.

Commissioner PICKETT. What did you have in mind? I realized the IRO assisted in the immigration.

Mr. GIBSON. The International Refugees Organization was internationally financed, but a major portion of its finance came from the United States, and I think that we can very wisely spend some of our money along with other nations in finding some way to get transportation for these people and some of the needs, you know, in their physical movement from one country to another. There have been many things discussed. All of these people, I think, would be willing to pay the money back ultimately, but it has to be advanced. Under our refugee program we paid their way to the United States, their ocean transportation. Under chartered military ships we were able to reduce that figure to a very small amount, something that isn't available to the individual if he wants to come to the United States, and there were savings of millions and millions of dollars involved in it

Commissioner PICKETT. Do you think Congress would be favorably inclined to financially assisting immigration to that extent?

Mr. GIBSON. In the DP program we were able to obtain enough appropriations to complete the job and had some left when it was over with, which was returned to the United States Treasury. There would, I believe, be some opposition, though. If it were a direct United States program, I think I might be inclined to recommend that over some long period of time the people being able to pay the money back, or the relatives here in the United States might be interested in them enough to advance it. I think quite a lot of that burden could be taken off the backs of the taxpayers without causing an undue hardship on the refugees.

The CHAIRMAN. The displaced-persons program included all these different categories, expellees, escapees, and refugees, and to the extent they have been assisted you have different definitions for these different categories?

Mr. GIBSON. We had two basic programs: One is a displaced-persons program, those people who were displaced as a result of the war or feared to return to their homelands following the war, and we had what we call the German-expellee program, or the people who were expelled from eastern European countries after the war.

The CHAIRMAN. The ethnic German?

Mr. GIBSON. The ethnic German.

Commissioner O'GRADY. As one who has had first-hand experience in resettling people, how do you account for the slow progress being made in meeting the population problems that exist in Europe, as, for example, in Italy or Greece?

Mr. GIBSON. I think, Monsignor, you have to consider this: Every country is bound to have its own standards. European countries have standards they want to insist upon as to what people they will let go and under what conditions and so forth, and Italy has been one of the countries because of a great many influences there which have been very rigid in many respects. I think the solution of this problem is not only the movement of people out of there but also economic development there, which we are working very hard on with some other programs, like Mutual Security. There has been a great migration of people inside of Europe, too, since the war. There have been perhaps six or seven million people shifted inside the western European economy since the war, and that has all helped out.

Commissioner O'GRADY. Are you referring to persons who have been repatriated?

Mr. GIBSON. I am talking about repatriation; yes.

Commissioner O'GRADY. But how much movement has there been into France and Italy and Germany?

Mr. GIBSON. There you have the problem of France more interested in admitting single men and they don't encourage whole families to come in. I think the United States set an excellent example when we insisted on an entire family unit resettling together, if possible, and other countries are coming more and more to it—Canada, Australia. But you find some very strict barriers set up in some of these countries, as I said a moment ago.

The CHAIRMAN. Mr. Gibson, have you any thoughts that you might submit for the guidance of the Commission on the question of the administration of the immigration laws, whether in your opinion that

ought to continue in the Department of Justice, or, as Secretary Tobin suggested, it ought to be transferred to the Department of Labor, or whether it should be either in the Department of Justice or in the Department of Labor, or an independent agency, whether there should be in the future a coordination of activities that are now conducted by both the Immigration Service in the Department of Justice and by the Department of State through its consuls? Have you thought about those problems?

MR. GIBSON. Oh, I am afraid I have given a great deal of thought to it, being formerly in the Labor Department, and I have had a great deal of discussion with former Secretaries of Labor about the problem and worked under the two Secretaries of Labor while I was there, Secretary Schwelienbach and Secretary Tobin, and also worked, I think, on at least two different occasions on reorganization plans for that particular executive agency.

I have this feeling, and it goes back to a speech I made in Baltimore a couple or 3 years ago. It was not a labor group; it was an outside social group who are very interested in immigration, of course. And after I had finished speaking, an old gentleman came up and shook hands with me, and he said:

"I am a rather successful small-business man in this community, but I want to say one thing to you. I immigrated when the Immigration Service was in the Department of Labor, and," he said, "I will die with a very warm feeling in my heart for the Department of Labor because of the real humane and friendly treatment I had from the Immigration Service there when I arrived in the United States."

Now, I think this: The Immigration Service was moved to Justice as a security measure, you perhaps remember, prior to the war. I think any immigration has to be tied with manpower need and placement in the United States. I think there is only one place you can do that, and that is in the Department of Labor. I have a feeling in bringing these people in that they ought to be brought in through an administrative agency that really isn't the policeman of our Government, and I think the Justice Department is the legal arm of the Government, or the prosecution arm, or the police department of the Government, and maybe in wartimes it is necessary to have the service there, but I think the best interests of the United States and the immigrants themselves and their integration into our economy would be best served if it were put in the Labor Department or in some department like that in the Government.

THE CHAIRMAN. What would you think of placing it in the State Department?

MR. GIBSON. Well, there again, your State Department is more concerned with international foreign affairs. It is not too involved in domestic and internal affairs in the United States, like the Labor Department is, and I think this is an internal problem—I mean, job placement, finding opportunities for them.

THE CHAIRMAN. That would be after they get here, but the admissions, the character, the kind of people that come in, and the ones that we admit from foreign countries, doesn't that have an impact on our foreign policy?

MR. GIBSON. Sure, it does, but I don't know that after they arrive in the United States that it has—let me put it this way. Proper treatment for them after they get in the United States also has a real im-

pact on it, and I think they would get more proper treatment from an agency like the Labor Department than they would from the State Department.

The CHAIRMAN. Is that because it is not set up for doing that?

Mr. GIBSON. It is not set up for it. They may be set up to issue visas and travel abroad, but there needs to be a coordination of Government agencies in the field to bring about what serves the best interests of the United States and at the same time the best interests of the people coming.

The CHAIRMAN. Do you think it better to have two agencies handling it as at present, the State Department through its consuls abroad and the Immigration Service checking at the port of entry, or do you think it would be preferable to have it all handled by one agency?

Mr. GIBSON. You see, as I said a moment ago, I am no real expert in the field, but I think this, from an administrative standpoint, that while ideally it would be better to have one agency to do everything, I don't know, in our democratic process, whether that is preferable, and I would say that the review that the Immigration Service makes when these people arrive in the United States is just a sort of check and balance on the whole thing. At least, you have two agencies watching security features, and one may uncover something that another agency might miss along the way. And I think that, properly done, it probably does justify its existence in terms of the internal-security problems of the country.

But I want to say this. I don't want to leave a wrong impression here by my suggestions on where the Immigration Service ought to be. I had the finest relationship with Commissioner Mackey in the Justice Department in our program, and they cooperated with us, and we worked our problems out pretty well. But I do think that administrative agencies dealing with the economic problems of the country are better qualified to integrate these people.

Commissioner GULLIXSON. Mr. Chairman, may I ask this question: Would it be your thought, then, that the intake of immigrants should fluctuate with the employment conditions in the country and in towns in America?

Mr. GIBSON. Your employment condition is going to have some effect on it, naturally. I don't know that it needs to necessarily fluctuate. Maybe it does. Maybe that's the answer to this thing. Maybe manpower demands in the United States are one of the main things that ought to be considered in immigration quotas. But I don't know. I think our immigration quotas are of necessity going to be so limited it isn't going to make a great deal of difference.

Commissioner GULLIXSON. May I ask this: Knowing as you do so very, very well the heartaches involved in people being left in the "pipeline" in the DP program, might it be well to establish a ceiling such that the intake could be on a permanent basis, rather than fluctuate?

Mr. GIBSON. You are talking about temporary emergency now?

Commissioner GULLIXSON. No; about long-time policy.

Mr. GIBSON. The long-time policy. I don't know whether I get your question. Whether the permanent intake in the United States would be such as to alleviate these problems?

Commissioner GULLIXSON. Would be set so that, regardless whether there is a slight recession or not, the people could be invited to continue to come?

Mr. GIBSON. Oh, I think so. And under regular immigration we check the financial responsibility of relatives and friends who are sponsoring these people, and I don't think they would create any great economic problem.

The CHAIRMAN. Would you have a sponsor for everybody who was admitted to the United States, irrespective of whether they were under one of these categories that call for humanitarian treatment?

Mr. GIBSON. I think it is preferable to have a sponsor, but I wouldn't want to base any temporary emergency program on getting an individual sponsor for everyone, because our church organizations brought literally thousands of people to the United States.

The CHAIRMAN. I am not thinking of that situation.

Mr. GIBSON. You are talking about permanent immigration?

The CHAIRMAN. Yes.

Mr. GIBSON. Not necessarily. You might want to get scientific people who have no relatives or friends over here.

The CHAIRMAN. I was not referring to that category now; not the scientists.

Mr. GIBSON. Well, I think the caliber of immigrant we had before the quota system made a great contribution to the growth of America, and I don't think we had any restrictions of that sort on them then, and I think it probably would work out just as well. But I think to some extent sponsorship is a great help to people in a complicated society like we live in today, in getting them integrated into it.

The CHAIRMAN. Thank you very much, Mr. Gibson. We appreciate your statement.

Mr. GIBSON. You are quite welcome, Mr. Chairman.

The CHAIRMAN. Is Mr. Finney here?

STATEMENT OF GERALD D. FINNEY, ASSISTANT GENERAL SOLICITOR, ASSOCIATION OF AMERICAN RAILROADS

Mr. FINNEY. I am Gerald D. Finney, assistant general solicitor, Association of American Railroads, which I represent here.

I would like to read a prepared statement.

The CHAIRMAN. You may do so.

Mr. FINNEY. The Association of American Railroads members include practically all of the class I railroads of the United States and the principal Canadian and Mexican lines. I am appearing here on behalf of the member railroads of the association, particularly those railroads that operate across the Canadian and Mexican borders.

I should say at the outset that my statement will be directed to only one provision of the immigration statutes. While there is at present no indication of any intent to amend that provision, such approval was before the last Congress, and we feel that the matter is of sufficient importance to the railroads to justify our appearance before your Commission in order to lay before you the views of the industry.

For many years the Federal statutes relating to immigration contained a provision (8 U. S. C. 216) that "it shall be unlawful for any

person, including any transportation company * * * to bring to the United States by water from any place outside thereof (other than foreign contiguous territory"—and that is the important phrase—"(1) any immigrant who does not have an unexpired immigration visa, or (2) any quota immigrant having an immigration visa the visa in which specifies him as a nonquota immigrant." Shortly after the Eighty-second Congress convened, Senator McCarran of Nevada introduced S. 716, a bill which proposed a comprehensive revision of the laws relating to immigration, naturalization, and nationality. Similar bills—H. R. 2379, by Congressman Walter of Pennsylvania, and H. R. 2816, by Congressman Celler of New York—were introduced on the House side. Included in all three bills was a provision which corresponded to that found in section 216 of title 8 of the United States Code, and that is the section that I quoted from a moment ago, with two very important changes. The bills would have made it "unlawful for any person, including any transportation company or the owner, master, commanding officer, agent, charterer, or consignee of any vessel or aircraft, to bring to the United States from any place outside thereof any alien who does not have an unexpired visa, if a visa was required under this act or regulations issued thereunder."

The important differences between the law and the bills were that the law applied only to water carriers and even as to them did not apply to immigrants brought in from "foreign contiguous territory," while the bills applied to any transportation company and applied in the case of immigrants brought into the United States from any outside country.

A representative of the Association of American Railroads appeared at joint hearings conducted by subcommittees of the House and Senate Committees on the Judiciary on the three immigration bills and objected to the above-mentioned provision on the ground that it would impose an intolerable burden on the railroads if enacted into law.

Thereafter, substitute bills were introduced, one of which, H. R. 5678, was passed by both Houses of the Congress and became Public Law 414, Eighty-second Congress. H. R. 5678, which was the bill that passed, in the form as introduced and as enacted into law, continued in effect the provisions of section 216 of title 8 of the United States Code with the single change that they would apply to aircraft carriers as well as water carriers (sec. 273 (a) of Public Law 414). The objections of the railroads to the immigration bills were therefore met and the statutory provision dealing with unlawful bringing of aliens into the United States as it now stands is, from the railroads' standpoint, satisfactory.

Nevertheless, in view of the possibility of further proposals to amend that provision, and we have noted in the past that proposals keep cropping up from time to time, the railroads consider it important to call to your attention the effect of making it unlawful for a railroad to bring into the United States an immigrant who does not have an unexpired visa.

The present law has the effect of relieving railroads operating passenger trains across the Canadian and Mexican borders of all obligation to see that no one of the great multitude of passengers brought by them into the United States from those countries is a person who is required by law or regulation to have a visa and who does not

have one. These provisions, while contained in a public law passed in 1952, have, as stated above, been in effect for many years and, so far as we are advised, have worked satisfactorily. Most of the railroads serving the Canadian and Mexican borders, as I understand it, have contracts with the Attorney General either under section 238 of Public Law 414 or under the former statutory provision—section 217 of title 8 of the United States Code. I understand that under those contracts the railroads provide stations to which they deliver, for examination by the immigration authorities, all passengers brought into the United States. In some cases the immigrant inspectors board the trains at interior points in Canada and ride to the border, making the necessary examinations while en route. In any event, the responsibility of examining the railroad passengers who are coming from Canada or Mexico into the United States and determining whether those passengers are eligible to enter this country now rests with the immigration authorities, and no responsibility is placed on the railroads. To our knowledge, there is no valid reason for a change in the present arrangement. On the contrary, we think there are many reasons why it should be continued.

While I shall call attention to the situation existing when railroads handle passengers between Canada and the United States, it should be understood that what I say applies also in large measure to those railroads handling passengers from Mexico. The railroads have a tremendous volume of passenger traffic coming into the United States from Canada. Most of the passengers on any particular train entering the United States are other American citizens who have temporarily been in Canada and are returning home or are Canadian nationals coming into this country for some business or social purpose, or as tourists. They are not required to have visas. They do not all board the train at any one point. Few of them probably carry any official document showing who they are or the purpose for which they are traveling. They did not even have to appear personally to purchase their railroad tickets.

If a railroad were to be penalized if it brought into the United States any immigrant with an expired visa, then of course before it could safely permit a person to board one of its trains at any of its stations, or before it could safely accept him as a passenger from a delivering railroad, it would first have to determine either that he did not need a visa or that he held an unexpired visa. As a practical matter, the railroad could not protect itself against violation of the law for it would have to determine, first, the nationality of each passenger coming to the United States, and, second, in the case of those who were not United States citizens, their purpose in entering this country. It would be necessary for the railroad to require a prospective passenger to establish his right to enter the United States even before a ticket was sold to him. This would be difficult enough even if in all cases the ticket was sold by the railroad on which the ticket buyer actually entered this country for that railroad would be required to maintain ticket sellers or inspectors at each of its stations in Canada with knowledge of the requirements of the immigration laws of the United States and the regulations issued thereunder in order to know who must have a visa to enter the United States. The fact of the matter is that many of the passengers coming into the United States from Canada by rail travel over one or more other

railroad lines before reaching the line on which they actually cross the border and they have purchased their tickets from the roads on which they started their journey. The road carrying the passengers across the border could not require the initial roads to refrain from selling tickets to those ineligible to enter the United States and it could not afford to maintain its own inspectors at all stations on all Canadian railroads to police the matter.

It would also be clearly impracticable for the railroads to provide each station with inspectors. The regular train employees would hardly be qualified to act as inspectors and their regular duties would not permit them to carry this additional responsibility. And I might add there that it is highly unlikely that the working arrangements between the men and management would permit the inspection of passengers to determine whether they needed visas or had unexpired visas.

The only alternative would seem to be that the railroad stop its train at some point in Canada in order that railroad inspectors located there could make full inspection. Those inspectors would have to have the authority to eject from the train any passenger who needed a visa but did not have one. This would of course result in considerable inconvenience and delay to all railroad passengers. Further, it seems likely that railroad employees would have no lawful authority to require a passenger to prove his nationality or the purposes for which he was coming to the United States. Nevertheless, in the event a passenger refused to give the requisite information, in order to protect the railroad the inspector would have to eject him, certainly at the possible risk that the passenger might subject the railroad to a valid claim for substantial damages brought about by his ejection.

There is a further point that should be borne in mind. Under existing laws a citizen of the United States is not required to carry official papers indicating his nationality—that is, when he goes to Canada or Mexico—and when he returns to the United States from Canada he is customarily permitted to enter this country following an oral statement as to his citizenship. Under the provision contained in the three immigration bills above referred to, if a railroad company brought into the United States an alien with an expired visa it is certainly doubtful that a showing by that railroad that one of its employees asked the alien if he was an American citizen and received an affirmative reply would be sufficient to indicate that the railroad had exercised due diligence in determining whether the passenger was a person eligible to enter the United States. To be safe, therefore, the railroad in all instances would have to secure from every one of its passengers written proof of his nationality and the purpose for which he was entering the United States.

The railroads are ready and willing to cooperate with the immigration authorities in the enforcement of the immigration laws. It is their position that they should not be required to interpret and enforce such laws. It is their view, therefore, that any proposal which would make it unlawful for the railroads to bring into the United States from Canada or Mexico immigrants who do not have unexpired immigration visas should receive no consideration by your Commission.

The CHAIRMAN. Thank you, Mr. Finney.
Is Mr. Krebs here?

**STATEMENT OF ALFRED U. KREBS, COUNSEL FOR THE NATIONAL
FEDERATION OF AMERICAN SHIPPING, INC., AND ALSO REPRESENTING THE AMERICAN MERCHANT MARINE INSTITUTE**

Mr. KREBS. I am Alfred U. Krebs, counsel for the National Federation of American Shipping, Inc., an industry organization representing a majority of all deep-water American-flag shipping.

I'd like to say at this point that I believe you have an appearance entered also for the American Merchant Marine Institute, which is one of our member associations, and the institute will not appear. I will make the appearance for the steamship industries.

Mr. ROSENFELD. In other words, Mr. Maloney will not appear?

Mr. KREBS. Mr. Maloney will not appear.

I have a prepared statement here which I would like to read on behalf of the organizations I represent here, if you have no objection to my doing so. I believe I can probably do so within, certainly, the time allotted to the institute and our organization.

The CHAIRMAN. Well, it is a fairly long statement, and we are a little bit behind time in our schedule this morning. I wonder whether you could save some time on it by just reading what parts you think are particularly important, and we will put the whole statement into our record here.

Mr. KREBS. All right, sir, I will do that.

The CHAIRMAN. I don't want to handicap you in presenting it in any way, if you don't think you can do that.

Mr. KREBS. Well, I frankly would prefer to at least read most of it, if it is possible to do so, particularly in view of the facts. I will telescope it to the extent that I can do so.

The National Federation of American Shipping, Inc., appreciates the opportunity to appear before the Commission for the purpose of outlining problems of the steamship industry with respect to the detention and deportation of aliens, including alien seamen and stowaways, which were not satisfactorily resolved by the Immigration and Nationality Act.

Before outlining these problems, however, we would like to make it clear that we consider the act to be a distinct step forward in resolving immigration problems of carriers. The act relieves them of some of the unjustified burdens and penalties which were imposed by earlier immigration laws. As might be expected, however, in legislation as lengthy and complex as the act, certain problems escaped attention.

Detention of arriving aliens, including alien crewmen and stowaways: Sections 232, 254 (a), and 273 (d) of the act are the principal sections relating to the detention of arriving aliens which require comment.

Section 232 provides that for certain purposes aliens, including alien crewmen, arriving in United States ports—

shall be detained on board the vessel or at the airport of arrival of the aircraft bringing them, unless the Attorney General directs their detention in a United States immigration station or other place specified by him at the expense of such vessel or aircraft * * * for a sufficient time to enable the immigration officers and medical officers to subject such aliens to observation and an examination sufficient to determine whether or not they belong to the excluded classes.

Section 254 (a) imposes a fine upon the owner, master, and so forth, of a vessel or aircraft arriving in the United States who fails to—
 detain on board the vessel, or in the case of an aircraft to detain at a place specified by an immigration officer at the expense of the airline, any alien crewman employed thereon until an immigration officer has completely inspected such alien crewman, including a physical examination by the medical examiner, or * * * to detain any alien crewman on board the vessel, or in the case of an aircraft at a place specified by an immigration officer at the expense of the airline, after such inspection unless a conditional permit to land temporarily has been granted such alien crewman * * *.

Section 273 (d) also imposes a fine on the owner, master, and so forth, of any vessel or aircraft arriving in the United States who fails to—

detain on board or at such other place as may be designated by an immigration officer, any alien stowaway until such alien stowaway has been inspected by an immigration officer, or who fails to detain such stowaway on board or at such other designated place after inspection if ordered to do so by an immigration officer * * *.

The steamship industry considers the detention requirements of the act to be extremely burdensome. While aliens, including alien crewmen and stowaways, arriving in the United States by air are not, for obvious reasons, required by law to be detained on board the aircraft bringing them, but instead at the airport of arrival, such aliens when arriving in the United States by water are, for the most part, required to be detained on board the vessels bringing them, instead of at a United States immigration station or other authorized place of detention ashore. The steamship industry does not believe that vessels operated by private companies should be required to act as law-enforcement agencies of the Government since this function is exclusively the prerogative and responsibility of the Government, and not of non-Government agencies. The exemption accorded in practice to aircraft from acting as law-enforcement agencies in connection with the detention of aliens should be extended to vessels. This would be very desirable from the standpoint of national defense and security.

Mr. ROSENFIELD. May I interrupt you there? Why do you say that?

Mr. KREBS. Well, to begin with, it would certainly mean, in the case of people who perhaps should be excluded from the country, that it would enable the Government itself to exercise perhaps greater control over them than the carriers are able to do. At the same time, it may very well be that there are people who should be removed from the vessels as promptly as possible because of security reasons, as I said.

Mr. ROSENFIELD. Are you speaking in hypothetical terms, or are you aware of cases?

Mr. KREBS. I cannot cite any cases. This statement is based on information which was furnished to me by the carriers themselves. I do not have personal knowledge of that. [Continuing reading:]

While the act (secs. 232 and 273 (d)), like the old law, provides for the detention of aliens and stowaways elsewhere than on the vessel bringing them if permission is obtained from the Attorney General or a local immigration officer, it has been the experience of the steamship companies that it is most difficult to obtain this permission. This is true even when it is desired to transfer the alien from the arriving vessel to another vessel owned or operated by the same company.

Very often such permission is obtained only after the expenditure of considerable time, effort, and expense on the part of the shipowners.

The act (sec. 254 (a)), like the old law, is even more stringent with respect to the detention of arriving alien crewmen in that it requires their detention on board the vessel bringing them.

If the act is not amended to relieve vessels of the responsibility of acting as law-enforcement agencies in connection with the safekeeping on board of detained aliens, including alien crewmen and stowaways, then it should be amended so as to facilitate the transfer of such detained aliens to other vessels, or to a United States immigration station or other authorized place of detention ashore, whenever the steamship company considers this procedure necessary for practical operating reasons, such as fumigation; shifting the vessel from one foreign trade to another, or from the foreign trade into the United States coastwise trade, where alien crewmen cannot be employed under the law; performing repairs on the vessel, either in drydock or at the pier, and so forth. This amendment is very desirable for reasons of national defense and security. As I said, I think quite frequently there may be aliens who should be removed from the vessel as promptly as possible, for reasons of national security.

Reporting, detention, and deportation of alien crewmen in the United States: Section 251 (c) of the act requires the owner, master, and so forth, of a vessel sailing from the United States to deliver to an immigration officer, prior to the departure of the vessel, a list containing the names of alien crewmen on board who were not employed thereon at the time of its arrival in the United States, and the names of those paid off or discharged, and of those deserting or landing in the United States. Failure to deliver a complete, true, and correct list results in a fine being imposed on the owner, master, and so forth, of the vessel.

The industry urges that section 251 (c) be amended so as to authorize the owner, master, and so forth, of the vessel to furnish the list required by such section within 48 hours after the departure of the vessel. The sailing of a vessel is a period of intense excitement and activity. Crews do not muster on departure, and last-minute pierhead hiring does not permit the master to obtain all of the required information. Furthermore, vessels quite frequently sail from outlying docks and the company offices do not have immediate information concerning crew members.

Section 252 (a) provides that under certain circumstances an immigration officer may (without consulting with the steamship company) grant an alien crewman a conditional permit to land temporarily in the United States for a period of time not in excess of (1) the period of time (not exceeding 29 days) during which the vessel or aircraft on which he arrived remains in port, if the immigration officer is satisfied that the crewman intends to depart on such vessel or aircraft, or (2) 29 days, if the immigration officer is satisfied that the crewman intends to depart, within the period of time for which he is permitted to land, on a vessel or aircraft other than the one on which he arrived.

Subsection (b) of section 252 authorizes "any immigration officer" to revoke such permit if the officer determines that the alien is not a bona fide crewman, or does not intend to depart on the vessel or aircraft which brought him. If the permit is revoked, the crewman must

be received and detained on board the vessel or aircraft on which he arrived, and deported at the expense of the transportation line which brought him to the United States.

Subsection (c) of section 243 provides that if deportation proceedings are instituted against an alien crewman at any time within 5 years after the granting of the last temporary landing permit, the cost of deportation of such alien crewman shall be at the expense of the owner of the vessel by which he came to the United States.

Subsection (d) provides that if deportation proceedings against an alien crewman are instituted later than 5 years after the granting of the last temporary landing permit, the cost of deportation shall be for the account of the Government.

The industry believes that it is unreasonable to require the steamship company to assume the responsibility and cost of the detention and deportation of an alien crewman who, after having been granted permission by an immigration officer to land temporarily in the United States, loses his right to remain in the country, or who remains in the country in excess of the period allowed under the terms of the temporary landing permit. The Government assumes sole responsibility for determining whether an alien crewman shall be permitted to land temporarily in the United States, and, by the same token, the Government should assume sole responsibility and liability for detention and deportation expenses arising from any subsequent action on its part resulting in revocation of the temporary landing permit, or in the event that the crewman remains in the United States beyond the time authorized in the permit. Once a permit to land has been granted by an immigration officer, the transportation line's responsibility for the alien crewman should cease. Sections 243 (c) and 252 (b) should be amended so as to relieve the carrier of this responsibility.

In any event, section 252 (a) should be amended so as to authorize an immigration officer to extend the period of the temporary landing permit beyond 29 days where necessary. Numerous vessels are being laid up at the present time, and it is quite likely that some companies will not have vessels in position during the 29-day period. These companies should not under such circumstances be forced to transport alien crewmen halfway across the country for the purpose of catching vessels when they will have vessels in position shortly after the expiration of the 29-day period. Even where vessels are in position, the rotation plan under the hiring halls may delay a crewman beyond the period of his permit. The companies should not be penalized for circumstances beyond their control, and amendment of the section as proposed would avoid such a result.

Detention and deportation of alien crewmen returning to the United States: The industry recommends that section 24 also be amended so as to provide that a steamship company bringing an alien crewman to the United States shall not be liable for expenses connected with his detention and deportation if, when employed by the company, the crewman was in possession of proper shipping papers; that is, certificate of service or identification, issued to him by the Coast Guard, and an apparently valid passport or other travel document in lieu thereof.

Not infrequently an alien seaman whose immigration status is under investigation applies for employment on board a vessel. The seaman knowingly or unknowingly withholds the foregoing information as to his immigration status from the steamship company, as well as from

the Coast Guard and the United States shipping commissioner by whom he is signed on the vessel. Upon the return of the vessel to the United States, however, the owner or master is ordered by an immigration officer to detain this alien seaman and deport him, all at the expense of the steamship company.

It is unquestionably the responsibility of the Government agencies involved, namely, the State Department, Immigration and Naturalization Service, Coast Guard, and United States shipping commissioners, to coordinate their activities through the exchange of information relative to the immigration status of alien seamen so that the steamship companies will be adequately protected against employing those alien seamen whose immigration status is under investigation or is in doubt. The companies certainly should not be penalized because of lack of cooperation between responsible Government agencies. This lack of cooperation often results in the employment of alien seamen whose immigration status is under investigation, with the steamship companies being required by the immigration officers to assume the responsibility and expense of detaining and deporting such seamen.

This situation can be remedied by amendments to section 254 and other applicable sections of the act. Therefore, we recommend that the act be amended to provide that when an alien seaman is signed on a United States-flag vessel by any representative of the United States Government, such as a shipping commissioner or an American consul, and is in possession of a valid passport or other travel document in lieu thereof, together with the required seaman's papers issued by the Coast Guard, detention expenses and expenses incidental to detention and/or deportation shall not be assessed against the vessel, master, or transportation line if the seaman is detained by a United States immigration officer on arrival at a United States port for any reason other than a medical one. The act should also be amended so as to provide that when such a seaman has been permitted by an immigration officer to land temporarily in the United States, the vessel, master, or transportation line shall not be held responsible for any further or future detentions, deportations, or costs relating thereto.

Deportation of aliens within the United States: Section 243 (c) provides that—

if deportation proceedings are instituted at any time within 5 years after the entry of the alien [other than an alien crewman] for causes existing prior to or at the time of entry—

the deportation expense shall be for the account of the owner of the vessel on which such alien came to the United States, except that the shipowner shall not be liable for such deportation expense in the case of any alien—

who arrived in possession of a valid unexpired immigrant visa and who was inspected and admitted to the United States for permanent residence.

The industry urges that subsection (c) of section 243 be amended so as to relieve the steamship companies of liability for deportation costs in instances where aliens arrive in possession of valid unexpired visas of any description and are admitted to the United States for intransit purposes or temporary residence, but are ordered deported within 5 years after their entry into the United States for causes existing prior to or at the time of their entry. The issuance of all

visas to aliens desiring to come to the United States is the exclusive prerogative of American consuls abroad, and the steamship companies cannot reasonably be expected to anticipate or determine whether aliens, who have been issued valid visas, will be permitted to remain in the United States. The companies, therefore, should not be burdened with the deportation expense of aliens who are admitted into the United States for intransit purposes, or temporary or permanent residence, and subsequently ordered deported within 5 years after entry for causes existing prior to or at the time of their entry into the United States.

Discharge of alien crewmen: Section 256 contains a most unusual provision with respect to the discharge of alien crewmen arriving in the United States. This provision (which was not contained in the old law) makes it unlawful for any owner, master, and so forth, of any vessel to pay off or discharge any alien crewman, except an alien lawfully admitted for permanent residence, employed on board a vessel arriving in the United States without first obtaining the consent of the Attorney General. Violation of this provision is punishable by a \$1,000 fine.

The industry submits that this requirement is impracticable from an operating standpoint. Its literal, or even delegated, enforcement would seriously interfere with the normal operation of vessels, including those engaged in the transportation of vital military equipment and commodities in the furtherance of our national defense and foreign aid programs. Tankers, which are usually in port for very short periods of time, would be particularly affected. Many of these vessels are obliged to employ alien seamen as replacements while engaged in the foreign trade. Upon their return to the United States, the vessels are often immediately transferred to the coastwise trade, and the alien seamen must be promptly discharged as required by law. A similar situation confronts subsidized vessels, which are required under the law to discharge, upon their return to the first United States port, any alien seamen who may have been employed as replacements in foreign ports.

The industry believes that the act and existing law provide adequate safeguards relating to the detention and deportation of undesirable alien seamen without necessity for the impracticable provisions of section 256. Since steamship companies, under existing laws and regulations, are permitted to employ aliens as crewmen who have proper papers issued to them by the Coast Guard, the companies should also be permitted to pay off and discharge such alien crewmen without the necessity of obtaining the consent of the Attorney General, or any immigration officer to whom the discharge consent power may be delegated by the Attorney General. The immigration officers would not in all probability be available after normal business hours, and particularly on Saturdays, Sundays, and holidays, for the purpose of giving their consent to the discharge of alien crewmen. Furthermore, similar retaliatory laws and regulations might be imposed by foreign nations on American seamen employed on the vessels of such nations.

Detention and deportation of returning resident aliens: Sections 233 (c) (3), 237 (a) (2), and 272 (a) (3) and (b) (3) provide that detention expenses or fines with respect to aliens, incurred pursuant to sections 232, 233, 237, and 272, shall not be assessed against the

vessel, master, or transportation line in the case of any alien, other than an alien crewman, who arrives in the United States in possession of an unexpired reentry permit issued to him, provided application for admission was made—

within 125 days of the date on which the alien was last examined and admitted by the Service * * *

We desire to call the Commission's attention to an apparent defect in the above-quoted portion of sections 233 (c) (3) (A), 237 (a) (2) (A), and 272 (a) (3) (A) and (b) (3) (A) which, if literally interpreted, makes the practical application of this provision impossible. For example, an alien who may have been "last examined and admitted by the Service" into the United States in 1950 for permanent residence may now desire to visit his family or friends abroad. He accordingly makes application for a reentry permit, which, under section 223 (b) of the act, is good for a period of 1 year, including any extensions thereof not exceeding 1 year in the aggregate. If this alien is detained by the Immigration and Naturalization Service upon his return to the United States, the transportation line bringing him back may, under the present wording of subdivision (A) in the above sections, be held liable for all his detention and deportation expenses or fines, since the 120-day period from the time he was "last examined and admitted by the Service" into the United States in 1950 will have long since expired.

Even if the qualifying clause "within 120 days of the date on which the alien was last examined and admitted by the Service," as contained in subdivision (A) in the above sections, is interpreted by the Immigration and Naturalization Service to mean within 120 days of the date on which the alien was last examined and admitted by the Service during the validity of the reentry permit, this would, nevertheless, be unsatisfactory, since it would create a discriminatory and inequitable situation with respect to liability of steamship companies for detention and deportation expenses or fines in connection with resident aliens arriving with unexpired reentry permits who are ordered detained and deported. For example, a resident alien in possession of an unexpired reentry permit may return to the United States in 60 days and be examined and admitted by the Service. He may leave the United States again 120 days later and still be in possession of the same unexpired reentry permit. If he is detained on his second return to the United States, the steamship company bringing him back might be liable for the detention expenses or fines, and also deportation costs if he is ordered deported, since the 120-day period from the time he was "last examined and admitted by the Service" into the United States expired before he left the United States on his second trip abroad. On the other hand, if a resident alien leaves the United States in possession of an unexpired reentry permit and remains away during almost the entire life of the permit, i. e., 12 months and any extension thereof not exceeding 1 year in the aggregate, and returns just prior to the expiration of the permit and is detained, the steamship company bringing him back would, under the terms of subdivision (A) in the above sections, be exempt from such detention expenses or fines.

The steamship industry recommends that in order to remedy the impracticable and inequitable situation created by the above-quoted provision in subdivision (A) in sections 233 (c) (3), 237 (a) (2) and 272 (a) (3) and (b) (3) of the act, subdivision (A) should be amended to provide that detention expenses or fines, as the case may be, shall not be assessed against the vessel, master, or transportation line in the case of an alien, other than an alien crewman, who arrives in the United States in possession of an unexpired reentry permit issued to him, provided application for admission is made within 1 year of the date of the issuance of the reentry permit or within the period of any extensions thereof. A visa is valid for not more than 120 days. There is, however, no reason why the 120-day period should be made applicable in the case of a reentry permit, since the reentry permit is valid for 1 year, including any extensions thereof not exceeding 1 year in the aggregate.

There is no legitimate reason why steamship companies bringing aliens to the United States who possess valid unexpired reentry permits should be required to pay detention and deportation expenses or fines with respect to any such aliens if detained. This is true irrespective of the amount of time which may have elapsed since the permits were originally issued if the permits are still valid at the time application for admission is made. Under the law, the prerogative and responsibility for the issuance of reentry permits is vested in and exercised by the Immigration and Naturalization Service. The companies, therefore, are in no position to determine whether an alien in possession of a valid unexpired reentry permit will be admitted into the United States, and should not be penalized for actions taken by Government officials.

In general: The grounds for the detention and deportation of aliens, including alien crewmen, have been greatly broadened under the act to include such additional aliens as those who are, or at any time have been, Communists or members of the Communist Party. The steamship lines are, therefore, greatly concerned as to the extent of their responsibility for the detention and deportation of such aliens, since it is very likely that due to this expansion or extended scope their expenses would be increased as to the results of it.

The CHAIRMAN. Have you any estimate as to how important this is? What you think the amount of the additional burden, moneywise, would be on the companies?

Mr. KREBS. No, I, frankly, had not requested any figures of that nature and would be unable to make an estimate.

The CHAIRMAN. Then we may not know whether we are talking about something important or something unimportant.

Mr. KREBS. That is merely in passing, you might say, aside from the fact as to whether there will be a great monetary increase. We still feel that some of the things which I have referred to here are inapplicable and harsh as far as the carriers are concerned.

The CHAIRMAN. But I think the Congress would be interested in knowing, because, after all, if any changes are to be made in the law, it is the Congress which will make them.

Mr. KREBS. I understand that. We did want to bring these things to the attention of the Commission, because, as we understand it, it is the new law.

The CHAIRMAN. It would be helpful if you could furnish some estimates as to what the implication of this is to carriers.

Mr. KREBS. I shall certainly be most happy to try to get some information of that nature. Frankly, I don't know what my chances of success will be, but I will certainly be glad to try to get it. However, as I said, even aside from the increased monetary costs, we do feel that there are certain provisions here—

The CHAIRMAN. These companies must have had long experience with the provisions under the existing law, before Public Law 414 goes into effect, in which some burdens that had been imposed upon them have been relieved by virtue of the new act, and it would seem they ought to have some estimate as to how much they have been required to expend for things which Congress has now relieved them of and so forth.

Mr. KREBS. I would certainly be happy to try to get some information of that nature and submit it to the Commission.

The CHAIRMAN. Thank you very much, Mr. Krebs.

Is Mr. Noakes here?

STATEMENT OF FRANK L. NOAKES, DIRECTOR OF RESEARCH AND REPRESENTING THE BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES, AND THE RAILWAY LABOR EXECUTIVES ASSOCIATION

Mr. NOAKES. I am Frank L. Noakes, 12050 Woodward Avenue, Detroit, Mich., general director of research, Brotherhood of Maintenance of Way Employees.

Mr. Chairman, I identify myself on the first page of my statement, also the organization that I am representing. I understand you are short on time here, and if it is your pleasure, after I identify myself and the organization, if the statement will be placed in the record, I shall be satisfied, or if it is your desire I go through for questioning purposes, I will be glad to read it.

The CHAIRMAN. That will be satisfactory. We will put the whole statement as you have submitted it into the record.

Mr. NOAKES. Well, I might say that after I identify myself I would like to go over the organizations. These are railway labor organizations. There are 19 in number who are associated with the Railway Labor Executives Association. They represent on the North American Continent all the nonoperating employees with the exception of one organization. That's the switchmen's organization. That is an operating organization.

The high points in the statement are that we are concerned about the wetbacks on our southern border entering employment in the railroad industry displacing American workers. On the other hand, we are also somewhat concerned about the restrictions that are placed on our northern borders by employees who are employed on Canadian railroads who, because of seniority purposes, must enter the United States, and there are certain restrictions that do cause us some concern. We feel that the southern border should be tightened and the northern border somewhat relaxed.

There is this difference, that the northern border admits employees already in railroad service, while the southern border is open to work-

ers for agricultural purposes who leave their contract and enter railroad employment, and at the same time there is the wetback that comes across the border and drifts into railroad work, not only along the border line, but all the way up to the Canadian border. Like I say, there is the difference between bona fide railroad employees coming into the United States, while on the other hand there are definite violations on the southern border that are causing us concern.

If you think that suffices——

The CHAIRMAN. I think it does for us, for this reason, Mr. Noakes: The Commission, up to now, hasn't thought of devoting much time or making recommendation on the wetback situation. I understand you are a member of the Governor's Study Commission on Migratory Labor for the State of Michigan. There has been this special study and special report by the President's Commission on Migratory Labor also. And we thought because of these special commissions that have been set up on that particular problem that we would not undertake to either duplicate or to express views on situations which are being handled and have been handled by other commissions so recently.

Mr. NOAKES. Yes. May I ask this, Mr. Chairman, that you do give some consideration to the statement in regard to Canadian employees entering the United States because of railroad requirements or because of contracts between these labor organizations and the railways of Canada? You will find it on the Canadian Pacific, Canadian National, Great Northern into Canada. Like I say, we don't think it's necessary to pay head tax and visa for coming into the States to perform the services under contract with these organizations.

The CHAIRMAN. If you will look at the President's Executive order that created this Commission, you will see that he has asked us to make a survey and evaluation of the immigration and naturalization policies of the United States, and to make recommendations for legislation, administrative or other action. In view of the short period of time we have to do this job, we do not know how far we can go into every detail, important as I know it is to you. In any event, I am sure there will be opportunity for such matters to be ironed out in the future.

Thank you. Your prepared statement will be inserted in the record.

Mr. NOAKES. Thank you, very much.

(There follows the prepared statement submitted by Frank L. Noakes on behalf of the Brotherhood of Maintenance of Way Employees and the Railway Labor Executives Association:)

My name is Frank L. Noakes, I am director of research for the Brotherhood of Maintenance of Way Employees, a railway labor organization. My office address is 12050 Woodward Avenue, Detroit 3, Mich. In addition to representing the Brotherhood of Maintenance of Way Employees, I have been requested to represent the Railway Labor Executives' Association.

This association is composed of the chief executives of 19 standard railway labor organizations and the Railway Employees' Department, A. F. of L. The organizations represented are the following:

Switchmen's Union of North America

The Order of Railroad Telegraphers

American Train Dispatchers' Association

Railway Employees' Department, A. F. of L.

Brotherhood of Sleeping Car Porters

International Brotherhood of Boilermakers, Iron Ship Builders, and Helpers of America

International Association of Machinists

International Brotherhood of Blacksmiths, Drop Forgers, and Helpers

Sheet Metal Workers' International Association
 International Brotherhood of Electrical Workers
 Brotherhood Railway Carmen of America
 International Brotherhood of Firemen and Oilers
 Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees
 Brotherhood of Maintenance of Way Employees
 Brotherhood of Railroad Signalmen of America
 National Organization Masters, Mates, and Pilots of America
 National Marine Engineers' Beneficial Association
 International Longshoremen's Association
 Hotel and Restaurant Employees and Bartenders International Union
 Railroad Yardmasters of America

These organizations, composing the association, constitute approximately three-quarters of all railroad employees, over one million in number.

Late in the year 1950 I prepared and presented testimony before the President's Commission on Migratory Labor, during its hearings in Florida. Then, too, in January 1951, I represented the Railway Labor Executives' Association and appeared before the American delegation representing our Government, in Mexico City, who were then meeting with a like delegation representing the Government of Mexico for the renewal of the International Executive Agreement between the two countries, providing for the importation of Mexican nationals to the United States for agricultural purposes.

At present, I am a member of the Governor's Study Commission on Migratory Labor for the State of Michigan.

My purpose in appearing before your committee is to suggest that it include in its study, the problem of Mexican nationals and wetbacks entering the United States; the former by loosely drawn treaty between Mexico and the United States and the latter with little or no difficulty and in direct disregard of our immigration laws. This problem is one of concern to railway labor in general, inasmuch as many Mexican nationals who have been brought into the United States for agricultural purposes leave the farms to which they were assigned by contract and, in violation of the terms of their contract, seek employment on the railroads. Then, too, the illegal crossing of our borders, by wetbacks who leave Mexico for the specific purpose of hiring out to railroad service causes much unemployment throughout the industry. This is a most deleterious situation and one that should be corrected, possibly through the strengthening and the full enforcement of our immigration laws.

During the hearings held in March 1952, before the Subcommittee on Labor and Labor Management Relations of the Committee on Labor and Public Welfare, United States Senate, I appeared and offered testimony as to the position of our brotherhood with respect to the importation of Mexican nationals for farm work. Our experience has been that oftentimes these workers, after a short period of employment on the farms, find the work for which they were imported, undesirable, because of a number of factors, chiefly housing and substandard wages, and drift into employment in the railroad industry—particularly into track work but not limited to this type of work. They have been found to be engaged in the round houses, freight houses, and other occupations.

While no recent check has been made of the arrests of absconders from agricultural contracts and wetbacks in the various railroad terminals throughout the United States, due to the shortness of time in preparing this statement, nevertheless, from reports furnished us by our officers out in the field we understand that the situation, that existed earlier in this year, has not changed. In fact, it appears that it has been intensified, inasmuch as we learn that Mexican nationals, originally brought into this country for farm work, as well as wetbacks have drifted into northern Michigan and other States along our northern border—a situation that did not exist a few years ago.

However, to give your committee some idea as to the number of aliens from south of our border who left their country primarily to engage in farm work, as provided for by contract, and who later violated their contract and became illegals; and the flow of wetbacks who cross our border seeking work other than farm work, I would like to quote from a letter dated February 27, 1952, addressed to Hon. Hubert H. Humphrey of the United States Senate, by A. R. Mackey, Commissioner, United States Department of Justice, Immigration and Naturalization Service which was in reply to Senator Humphrey's letter of February 20, 1952, wherein he requested answers to a number of questions pertaining to aliens apprehended during January and February of 1952. As

I understand Mr. Mackey's letter, the information which I will quote is for the period of February 1952.

Apprehensions:

Mexicans-----	1, 115
Other-----	33

Total----- 1, 148

Employment of those aliens apprehended:

Steel making and fabrication-----	97
Railroads-----	398
Meatpacking and processing-----	105
Hotels and restaurants-----	32
Agriculture-----	76
Other industries-----	426
Unemployed-----	14

Total----- 1, 148

Status of those aliens apprehended:

Illegal entrants-----	574
Abscondee from agricultural contracts-----	485
Seamen-----	8
Visitors-----	4
Others-----	77

Total----- 1, 148

It will be noted that of the 1,148 aliens apprehended in the United States, during this period, 1,115 were Mexicans and of the 1,148 illegals, 398 were engaged in employment on the railroads. As you can see, the largest concentration of illegals was found in the railroad industry.

During this period there was much unemployment in the railroad industry and, without a doubt, the 398 jobs filled by aliens would have been filled by American workers had our immigration laws been properly policed and had the farmers and farm associations been required to post bond for each worker sufficiently high enough that they would have been severely penalized had they not returned the Mexican nationals to their native land, at the close of their contract period. This combination of looseness in our immigration laws and the treaty between the Governments of the United States and Mexico, brings forcibly to our attention the need for corrective legislation.

We find other instances, later in the year, where Mexican nationals and wetbacks were apprehended, and again in the territories where such aliens were picked up, the concentration of Mexicans in the railroad industry is alarming.

It would be of information to you for me to quote from the hearings before the Subcommittee on Labor and Labor-Management Relations, pages 744 and 745 of the testimony given by Mr. Kelly, Assistant Commissioner, Enforcement Division, Immigration and Naturalization Service. In answer to question by Senator Humphrey, Mr. Kelly had this to say:

"Well, I guess everybody knows that there are many of these Mexicans, these wetbacks, filtering into the industrial areas. We do what we can with the force we have in the way of apprehending them and removing them to Mexico. We are not doing what we should like to do. We did send a small detail of border-patrol officers recently into the Chicago, Kansas City, and Detroit districts, and in a period of approximately 30 days, they apprehended 1,548, of which number 1,508 were Mexicans. These were found employed in the various crafts and industries: 118 in steel making and fabrication, 520 on the railroads, 127 in meat packing and processing, 56 in hotels and restaurants, and so forth. Of the total number, it may be interesting to note that 802 were illegal entrants and 810 were abscondee from contracts."

As stated by Mr. Kelly, there was a small detail of border-patrol officers assigned to each of the cities named and, in 30 days, 1,508 Mexicans were apprehended, 520 of them gainfully employed in the railroad industry. Chicago, Kansas City, and Detroit districts are but a few of the many large railroad terminal points in the United States; thus I venture to say that had such investigations been conducted in other large terminals throughout the country this situation would have been multiplied many times over.

Most of the organizations represented by the Railway Labor Executives' Association are international in scope, i. e., these organizations represent the employees within the class or craft in Canada also. The employees on these Canadian roads, that extend their operation into the United States, hold seniority in the United States as well and must, of necessity, accept such work as is required of them on their seniority district either of a temporary or permanent nature, according to the rules agreed upon between the brotherhoods and the railroads.

In addition, maintenance and repair crews must, at various times throughout the year, cross the border into the States for short periods in the performance of their work.

Workers on temporary positions having a definite beginning and termination date, whether awarded by bulletin or assigned, are not required to obtain visas or pay head tax. However, it is necessary for such parties to have in their possession, documentary evidence, from their employing officer, signifying that they have been awarded or assigned to a temporary position in the United States, in accordance with the agreement in effect between the railroad and the brotherhood.

On positions of a permanent or indefinite duration it is necessary for an employee awarded or assigned such position to obtain a visa, pay head tax, furnish birth certificate, police record, and a document of identity, signifying they have been awarded or assigned to a position in the United States.

Where regular maintenance work is to be performed by regular Canadian forces on the United States portion of a Canadian division, it is necessary for the railroad to make application to our Immigration Department to import their employees into the United States to perform such work. The organization representing the employees who are to perform the work, must, in turn, certify to the Immigration Department that it offers no objection to such entry of the employees it represents, after which the men are permitted to enter the United States temporarily as nonimmigrant visitors. All this is accepted by these workers in spite of the "red tape" and oftentimes unnecessary delay.

While we have remained tolerant with the requirements necessary to permit our Canadian membership entry into the United States to perform work assigned to them by contract between the several railroads and the several brotherhoods, nevertheless, we have about reached the limit of our patience with laws and regulations that permit aliens to enter the railroad industry at will, thus obtaining employment to the exclusion of American citizens.

The living standard that is Canada's is rapidly approaching ours and there is little or no incentive for Canadians to migrate to the United States to compete for work opportunities. Therefore, Canadian members of these brotherhoods are no threat to our standard of living by performing casual or even permanent services for which contracts have been entered into between the parties.

The restrictions now imposed upon Canadian employees, who because of the requirements of service, must enter the United States to perform work either for a temporary or indefinite period should be removed.

We who represent railroad workers on both sides of our northern border fail to see any good purpose being served by these barriers. Employee representatives and railroad management have agreed many years ago that seniority of employees would extend into the United States. This being the established practice these many years and now looked upon with favor by employees here and in Canada, we recommend to your committee to consider our proposal for the lifting of present requirements of these workers.

It should be clearly understood that these brotherhoods have no quarrel with the citizens of Mexico. We sympathize with their substandards; however, we do not feel that the American workers should be required to subsidize Mexican workers by being displaced in their employment, or by having to accept lower wages as a result of the Mexican nationals competing for job opportunities, nor should the conditions, under which the American works, be less favorable when such nationals are permitted to cross the border to enter into avenues of employment even for short periods or on a part-time basis. The Mexican nationals, when recruited for such short work periods, return to their native land, oftentimes considerably enriched by their service; however, in their departure they leave behind unemployment and increased poverty for the American workers.

In this country today, employed on the railroads and members of these brotherhoods, are many workers who are of Mexican origin. We welcome them as citizens and fellow workers and it is not the purpose of my testimony to cast any aspersions on them, as such. The Mexican, legally in this country, has made

a worthwhile contribution to the railroads and organized labor, and it is not our desire to have him placed in the shadows of suspicion due to the fact that our Government has not seen fit to tighten its southern border which permits alien agricultural workers and wetbacks to roam the country, almost at will.

Our recommendation for more stringent enforcement of our present immigration laws and additional amendments to cover these situations we believe are in accordance with section 2 (b) of the Executive order.

The CHAIRMAN. Is Miss Harris here?

STATEMENT OF HELEN M. HARRIS, EXECUTIVE DIRECTOR, UNITED NEIGHBORHOOD HOUSES OF NEW YORK, AND MEMBER OF THE BOARD OF DIRECTORS, NATIONAL FEDERATION OF SETTLEMENTS AND NEIGHBORHOOD CENTERS

Miss HARRIS. I am Helen M. Harris, executive director of United Neighborhood Houses of New York, and member of the board of directors of National Federation of Settlements and Neighborhood Centers, which I represent.

I wish to read a prepared statement.

The CHAIRMAN. We will be glad to hear your statement, Miss Harris.

Miss HARRIS. The National Federation of Settlements and Neighborhood Centers which I am representing today has a membership of 275 settlement houses and community centers and 18 regional and city federations in 24 States. Because the neighborhood houses for the most part are located in heavily populated low-income urban centers we have had first-hand experience for more than 65 years with immigrants from almost every country in the world. We have seen them come with hope to this great country, have watched their struggles to gain an economic foothold. We have shared in their efforts to gain knowledge of American ways and to bring up their children in the best traditions of American citizenship. We have had an opportunity to know the fine cultural heritages they brought with them to enrich our own land. We have seen their children develop into fine artists, musicians, and sculptors. Some of our most eminent stage and screen stars today were born of non-English-speaking parents in our settlement neighborhoods. Distinguished lawyers, doctors, teachers, engineers, and industrialists, first- and second-generation immigrants, are among the thousands of our settlement alumni. Hundreds of thousands more have helped to build this land, its highways and subways, its buildings and bridges. They have steadily added to the productive power of the United States and without them our economic strength today would be far less, our American culture less rich. We have needed these immigrants in the past. We need them today.

I am well aware of the concepts underlying the laws restricting immigration over the last 30 years. Neighborhood workers see the evil effects of these restrictions, in divided families, the sense of disillusionment when good American citizens cannot bring their parents, children or other close relatives to this country; in recent years the horrible knowledge that poverty and persecution may be the lot of the excluded members of the family.

My own settlement experience, in New York, Pittsburgh, and Philadelphia, has been largely with peoples from eastern and southern Europe. I had to go to China, just after World War II, to see another side of the coin. For the first time there I saw the disastrous

results of our Asiatic exclusion policies, the resentment against us for our discrimination against the colored peoples of the world. I watched with dismay the growth of anti-American feeling in Nationalist Territory that antedated the victories of the Communists. Surely our influence with the Chinese people would have been stronger and more effective had we not had to battle against the results of our own white-supremacy policies.

Because the National Federation of Settlements knows at first hand the value of the contribution made to this country by generations of immigrants, we believe that for our own sake the doors to immigration should be left open. We are opposed to many of the current immigration and naturalization policies in Public Law 414 and we believe they should either be eliminated from the law or liberalized.

(a) First, we urge the elimination of the national origins quota system as a basis for selection of immigrants. The growing interdependence of all countries in the world today is an established fact. The United States needs the raw materials, the avenues of transportation and communications, and, above all, the good will of every section of the globe. The basis of our national defense is not only military and economic strength, it is the soundness of our democratic philosophy and practices, our belief in the worth of every individual, regardless of race, color, or creed, and his right to opportunity. Discrimination against the nationals of certain countries and of whole sections of the world have already played havoc with their attitudes toward our leadership in the world. We must give all peoples the opportunity to experience the benefits of our democracy so they may help interpret the advantages of our way of life to friends and relatives in their home countries who may be prey to the encroachment of totalitarian ideologies. We must not talk one way and act another.

I would remind you of the tremendous influence on the Italian elections immediately following the war in Italy of the tens of thousands of letters sent from this country by naturalized Italian Americans to their homeland. Would these same citizens today express the same belief in an American democracy that takes no cognizance of Italy's overpopulation and tremendous need for emigration opportunities?

You may ask what solution we would offer to this problem. We grant that a ceiling on immigration must be arrived at—but one based fairly on our ability to absorb annually into our population the maximum number of immigrants wishing to come here, a rate considerably higher, I should say, than the 154,000 now allowed. Since the war we have already demonstrated under the Displaced Persons Act and other special legislation, that we can absorb many thousands more than our previous quota system contemplated. If the abolition of the national origins quota system cannot immediately be applied, a beginning could be made by refiguring quotas on the basis of our 1950 population figures rather than those of 1920. Unused portions of these quotas could then be allocated on a preferential basis without regard to national origin as provided in the Humphrey-Lehman bill—to relatives of citizens and permanent resident aliens, to aliens who have been persecuted abroad on racial or religious grounds or because of their adherence to democratic beliefs, and to persons whose cases because of special circumstances or hardship merit special consideration.

(b) Also, we consider vicious and self-defeating the clauses in the McCarran-Walter Act that discriminate against Catholics, Jews, Negroes, and Asiaties.

(c) We deplore the deportation clauses which arbitrarily place in jeopardy both naturalized citizens and resident aliens. In addition the fear engendered by the deportation clauses is standing in the way of rapid assimilation of the most recent newcomers because they hesitate to join any American organization, often the very ones which could best help them learn American ways. To illustrate: Friends Neighborhood Guild in Philadelphia, a settlement house long supported by the Quakers, has in the last few years helped to bring over and resettle several hundred displaced persons. In doing this they cooperated closely with the Displaced Persons Commission and the American Friends Service Committee. Now they find that, after the McCarran-Walter Act became law, those who came over this summer have been afraid to join this settlement house or any other agency whose function is to help develop good citizens—lest they find that these agencies might at some future time be listed as subversive. They simply are afraid to join anything.

(d) We particularly protest the extension of the policy that differentiates in its penalties for conviction for contempt between naturalized and native-born citizens. The rights of citizens—both those who chose by their own enlightened act to become citizens of the United States and those for whom the accident of birth eliminated choice, should be the same in a democracy.

(e) Many of the settlements connected with the National Federation of Settlements have considerable experience with annual re-registration of aliens. Guadalupe Center in Kansas City, Mo., has reported to us that their entire staff is occupied with helping the Mexicans who live in their neighborhood with this process each January. Any patron of a post office in an area where many aliens live is impressed with the time and money which the Post Office Department puts into this process annually.

From our experience with this matter, we feel that annual re-registration is both unnecessary and too costly to continue. Periodic registration several years apart would serve the same purpose if re-registration is necessary at all. We lived through many years in our country without this. It was originally started as a war measure due to the fears war created. It would seem fitting to reexamine what benefits have come to the Immigration Service as a result of this costly process before we permit it to have the permanent status that Public Law 414 now gives it.

(f) With further reference to the quota system, our experience makes us doubt if it is necessary or wise to continue the quota mortgages set up by special legislation for displaced persons. This results in an undue hardship upon countries with small quotas, and we believe it is not to the benefit of our country. Hull House in Chicago has a sizable Latvian group that meets there regularly to enjoy each others' fellowship and learn American ways. We have had many reports of the fine contribution these people make. Friendly House Settlement in Mansfield, Ohio has a pre-McCarran Act group of over 100 displaced persons that meets there regularly, studying English, having social functions, learning to adjust to the ways of this country. These people came from a wide variety of national backgrounds. I have

already said that we do not like the quota system. Surely removing the mortgages from the existing quotas is a step that could well be taken immediately without great additional study of the subject, and, in our opinion, with positive benefits to our country.

We are pleased to note that Public Law 414 grants rights of entry and citizenship to people in the Asia-Pacific triangle. But we were greatly disappointed in the small quota set for these countries. Moreover, restrictions in the application of these quotas even further cut down the number of Asian-Pacific people to be admitted. Many of our houses in Seattle, Portland, California, Chicago, as well as other parts of the country know what real hardship this small quota and these restrictions tend to perpetuate. Our friends in the Asian-Pacific region should have a stronger, more cordial hand extended to them.

(g) We are concerned with the powers given immigration officers and employees in Public Law 414 and believe they set a new precedent that could seriously affect our civil liberties. It is not customary for us to give a single individual broad, sweeping authority without providing for review by a person or persons higher than he. We question the right to search without a warrant at any time by any officer of Government, yet this unrestricted privilege has been granted in the law to the Immigration Service.

(h) We note other precedents in the section, "Information from other departments and agencies" which we believe to be equally dangerous. The opening of the records of any Government department or agency to the Attorney General for the purpose of identity and location of aliens seems a different concept of the use of Government records from that which we have traditionally followed in this country.

We note too the paragraph that requires the Federal Security Administrator to notify the Attorney General upon request whenever any alien is issued a social-security account number and social-security card and additional information. This is in direct conflict with the confidentiality of social security records that has been in existence since the establishment of the Social Security System.

Of course, the Attorney General should be enabled to apprehend all aliens that are illegally in this country or who break the laws of this country. We have long been impressed with our Federal law enforcement procedures. But the additional powers in the present act are in direct conflict with basic promises of confidentiality already made to all our people. Such a process tends to destroy faith in government rather than to strengthen it.

Our immigration laws should be one of the strongest outposts of United States foreign policy. They must be fair and just, capable of being administered without undue red tape and unnecessary delays, containing no discrimination and recognizing special needs and individual hardship cases. We must not risk the bitterness and hate that is created by a restrictive, discriminating policy, which, in effect, says to applicants for admission, "Try to get in—if you can." We have had many years of experience in working with people of many nationalities who have settled in our land. By and large, we have found them to be people who have added greatly to our strength as a nation. Therefore, we strongly urge a more liberal and less restrictive immigration policy.

The CHAIRMAN. Thank you very much, Miss Harris.

Mr. ROSENFELD. Miss Harris, you have had experience both in your own work and as a result of your representative capacity in dealing with peoples of different races and different nationalities and different cultural traditions. One of the problems that faces the Commission is the question of the assimilability of people of different races, nationalities, and culture. Could you advise the Commission what your judgment is in this matter as to the rates of assimilation, as to the capacity for assimilation of these different groups?

Miss HARRIS. I haven't noticed any difference. I think that a great deal depends on the way each group is received in this country. If I may, I will illustrate with one of our own American-citizen groups which has shown a little hesitancy to become assimilated because of a certain factor in our social attitudes. The Puerto Ricans, for instance, who are coming in large numbers to New York, have found a new experience, which is discrimination because of color. They don't have that in Puerto Rico. So in order to assure the world that they are not American Negroes, who have caused this discrimination, they speak Spanish everywhere they go, and they hesitate to learn English. Now, that is one thing that we have to overcome in dealing with our own citizens. Similar discriminatory approaches to Asiatics, perhaps, would tend to make them keep by themselves and not become as quickly assimilated. But that's our fault, not theirs, and it's up to us to see that the welcome, that the opportunities are given to every group that comes, and I can see no difference eventually.

Commissioner O'GRADY. Just what is the concern of the people in the welfare field with our immigration legislation and its administration?

Miss HARRIS. If you mean, Monsignor, are the social agencies and social workers concerned about fair and just immigration policies, I should say certainly they are. They differ greatly, I should say, in their contacts with the workings of the law. Some of us are much closer to the people who do get here, because very often a settlement is settled in our settlement neighborhood and the agencies who deal with families, family case-work agencies, services to children would know these people, too. I have found concern among the social agencies about the law. I think that we do want to see, for our own sakes, as I said before, that America stands to the world as a just, humane country, and I personally, from my own experience abroad, feel that it is terribly important that we should and that the social point of view should be in the picture.

Mr. ROSENFELD. Miss Harris, one of your remarks was to the effect that as social workers you were able to notice the bad effect of restrictions in the sense that they broke up families. Just what do you mean by that?

Miss HARRIS. Well, I said, "divided families." If the close relatives can't get in to join the family, then you have the divided family, part in the homeland, the old country, and part in this country. You know, it has been the experience over many, many years for one person in the family to come first; he makes his foothold, he brings in the children, or he brings over his wife first, and she brings the children, and then maybe the sisters and the brothers come. Now, it is to our advantage to have developed family life in this country, not just a lot of individuals who come.

Mr. ROSENFELD. The reason I pursue that question is that the present law does permit certain special rights for certain groups in the family. Am I correct in assuming that your experience has shown that the special, nonquota rights for spouses of citizens, for example, is not sufficient to meet the social needs as you see them and that your view is that there has to be some device for the uniting of families on a broader base, family being of broader concept than merely husband and wife?

Miss HARRIS. Yes; that is correct.

The CHAIRMAN. Did you appear before the congressional joint subcommittee when there were hearings on this subject?

Miss HARRIS. No; I didn't.

The CHAIRMAN. Did your organization have any representative there?

Miss HARRIS. I think they did; I am not sure. I will have to look it up.

The CHAIRMAN. I just wondered whether you had made the position, or whether the position of your organization had been made clear to Congress before it enacted the law.

Miss HARRIS. All I can say to you is that for the last several years at the annual meetings of the National Federation of Settlements we have been expressing our views in resolutions which have been passed on. Now, if they did not, we certainly have, as individual agencies, communicated with our Senators and Congressmen throughout the country. I have just volumes of correspondence on that subject, and I am sure most of the houses do and we have tried to get our attitude across.

Mr. ROSENFELD. Would you let us have for the record, Miss Harris, some of the more recent resolutions that have been passed?

Miss HARRIS. Yes; I will be glad to.

The CHAIRMAN. Thank you very much. The record may remain open at this point for the insertion of those resolutions when they are received.

(The resolutions referred to follow:)

RESOLUTION ON IMMIGRATION OF THIRTY-FIFTH NATIONAL CONFERENCE OF NATIONAL FEDERATION OF SETTLEMENTS AND NEIGHBORHOOD CENTERS, APRIL 19-22, 1950, ROCHESTER, N. Y.

Our experience in settlements with immigrants since 1886 and with war brides, prospective brides, and displaced persons (DP's) of our own day convinces us that present immigration laws are adequate in their admission requirements and unrealistic in their quota and nationality restrictions. By and large, the difficulties which we have observed in immigrants of the past and newcomers of today are human difficulties and are unrelated to their country of origin.

Therefore we urge that a joint committee of Congress be appointed to make an orderly study of immigration and naturalization as it relates to today's world. Following such study, laws should be enacted in line with today's needs. Immigration can be an important and positive step in foreign policy and should be so considered. We know from experience that the United States can readily absorb the total number of immigrants authorized by law, but as national quotas are now set we cannot give either population relief or a friendly welcome to many areas of the world looking to us for help.

As steps in the right direction, we recommend that legislation be enacted canceling the mortgaging provisions placed against certain countries by the entrance of DP's so that no country's quota would be closed; that immigration and naturalization be opened to the remaining areas of the Far East now excluded.

RESOLUTION ON IMMIGRATION ADOPTED AT THIRTY-SEVENTH NATIONAL CONFERENCE,
OF NATIONAL FEDERATION OF SETTLEMENTS AND NEIGHBORHOOD CENTERS, MAY 24,
1952, MILWAUKEE, WIS.

Mindful of the origin of our great country which was born of refugees who sought a new land where they could live in peace and freedom,

Knowing at first hand the contribution that newcomers have made to its growth and enrichment throughout the years of our happy existence, and

Cognizant of the terrible plight of countless other refugees who today have no such opportunity to start a new life free of the manacles of political, religious and/or economic oppressions;

The National Federation of Settlements and Neighborhood Centers urges revision of our immigration laws as follows:

1. Elimination of the national-origins quota system as a basis for selection of immigrants.
2. Elimination of race and sex as criteria for selection of immigrants.
3. Preferential admission of close relatives and adoptees of United States residents.
4. Preferential admission of victims of persecution, including a fair share of hard-core refugees.
5. Permissive admission of applicants who have been members of or associated with totalitarian organizations, but who can prove their rejection of such totalitarian principles and methods and their devotion to democratic ideals.

The CHAIRMAN. Is Dr. Burgess here?

STATEMENT OF ALEXANDER M. BURGESS, M. D., NATIONAL CHAIRMAN,
NATIONAL COMMITTEE FOR RESETTLEMENT OF FOREIGN
PHYSICIANS, FORMERLY CHAIRMAN OF THE DISPLACED PERSONS
COMMISSION OF RHODE ISLAND

Dr. BURGESS. I am Alexander M. Burgess, physician, 107 Bowing Street, Providence, R. I. I am area section chief in medicine for the Veterans' Administration.

I am here as national chairman of the National Committee for Resettlement of Foreign Physicians. I was chairman of the Displaced Persons Commission of Rhode Island and was on the American Medical Association Displaced Persons Committee.

With your permission, I will read a prepared statement.

The CHAIRMAN. We shall be glad to hear it.

Dr. BURGESS. This statement is presented on behalf of the National Committee for Resettlement of Foreign Physicians. It is not my intention to attempt to make a detailed critical analysis of the Immigration and Nationalization Act for the reason that: In the first place, such a detailed critical analysis of such a detailed, confused, and ambiguous law is no task for a person himself not a lawyer; and in the second place, because such criticism has been ably and amply advanced by those well able to attempt such a difficult undertaking. I hope, on the contrary, after describing to you very briefly the character and work of the committee which I represent, with its vast experience in dealing with foreign-trained physicians, to present in more detail a consideration of what it means to our country to have foreign-trained professionals come to our shores. We shall consider the subject of professionals in general, and of physicians in particular. The experience of our committee is limited to the latter group.

The National Committee for Resettlement of Foreign Physicians was formally organized in 1939 to continue the work of a group of interested New York doctors, who had gotten together for the purpose of aiding unfortunate colleagues who were coming to this country as

refugees. Its sponsoring body is the United Service for New Americans, one of the organizations on whose behalf Judge Levinthal addressed the Commission yesterday. Its support is 100 percent from the United Jewish Appeal. Its work is wholly nonsectarian; and although in the early years its clients were mostly of the Jewish faith, in the past 2 or 3 years its aid has been extended about equally to non-Jewish and Jewish physicians. It has record of over 2,250 foreign physicians, who have come to the United States since the end of World War II. Of the 2,560 registered as DP doctors by the International Refugee Organization, 1,707 of these have been interviewed by this committee. The committee has placed physicians in internships and residencies in hospitals—some in teaching or research positions, and others in practice. The secretary, Mrs. Rubin, has careful records of the success or failure of these placements. It is obvious, therefore, that this committee can speak with authority on the subject of the foreign-trained physician, his success and his value on the American scene. (A reprint,¹ and a recent copy of the *New England Journal of Medicine*, Sept. 18, 1952,² both containing addresses on the resettlement of foreign physicians—are submitted as attachments to this statement.)

General statement in criticism of the law: We believe that this law should be replaced by a better one for many reasons, of which the following are particularly important:

It evidences an obvious intent to exclude, and indicates an undue distrust of foreigners generally.

It is very confused and ambiguous.

It employs the fallacious idea of discrimination on the basis of ethnic origin of immigrants.

It utilizes the arbitrary and discriminatory quota system, and confirms the "mortgaging" for years ahead of future quotas from countries where emigration is most needed.

It gives undue discriminatory powers to the Attorney General and his representatives, and to consular officers. Flagrant injustices in matters of admission and deportation will be increased.

The enforcement of this law will do the United States great harm abroad, and the resulting damage to our reputation and the increase in bitterness against us will directly benefit the cause of the Soviet Union.

We give full endorsement to the statement presented by the Honorable Louis Levinthal (on behalf of our sponsoring organization) and full approval of the proposals included in that statement.

Foreign professionals: We are aware that individuals from foreign countries, who have had specialized professional training, have proved their worth in many fields after they have been admitted and resettled in this country. For example: Teachers, engineers, pharmacists, architects and others have made valuable contributions to our economy and have fitted well into the communities where they have made their homes. Because physicians represent a good example of a valuable group of immigrants, and because it is with physicians that we have been working, the remainder of our statement will deal with them.

Evidence of the acceptabilities of immigrant physicians may be adduced from the hundreds of inquiries and requests by our clients

¹ *The Journal of the American Medical Association*, June 3, 1950, vol. 143, pp. 413-417.

² *The New England Journal of Medicine*, vol. 247, No. 12, September 18, 1952, pp. 419-423.

received in our New York office. In the past 5 years the demand far exceeds the supply and is ample testimony for the satisfaction of the American hospitals and American communities with the vast majority of these professional additions to our medical manpower.

Foreign physicians: The National Committee for Resettlement of Foreign Physicians, in making the many placements already mentioned, has found that the physicians with whom they have had to deal are about on a par with similar groups of American physicians. The percentage of highly trained specialists is about the same. Of the 2,560 physicians registered by I. R. O., almost one-third (944) were specialists. Of these, 40 were full professors. Despite the handicaps of language difficulties and variations in social and professional customs, these men have done well.

How much are they needed? The answer is: The need is great. American medical schools admittedly cannot turn out the number of physicians required, and many positions in hospitals remain unfilled at the present time. In my own State, as in many others, refugee physicians are doing valuable work in State institutions, as well as in other hospitals. Unfortunately, many States do not admit any foreign graduates to practice. In this they are making use of inhuman and quite un-American laws and regulations, that are open to the same general objections that can be advanced against the Immigration and Nationalization Act. They exhibit the same inexcusable intolerance of foreigners. Some States have liberalized their regulations, and our national committee is constantly doing what it can to increase the number.

In all groups where special skills and training are involved, there exists a large element of group selfishness. In the medical profession this spirit is in evidence, and in many instances the need for more doctors is denied, and the entry of foreign-trained physicians prevented just where, in fact, the need is greatest.

Time will not permit me to mention any of the many striking instances in which refugee physicians have made good in teaching, in research, in hospitals and in country and community practice. Success is the rule; failure is very exceptional.

Summary: In summary then, we may say—

1. That the refugee group in general, and refugee physicians in particular have shown themselves able to become valuable and loyal citizens; a great national asset.

2. That Public Law 414, Eighty-second Congress, which we have been discussing, will prevent the immigration of a large number of refugees, including physicians, who would be desirable citizens and an asset to our country.

3. That to leave these potentially valuable citizens stranded abroad, fully realizing the nature of the discriminatory legislation that keeps them out, is to create a large group of desperate, disillusioned individuals—many of them intellectuals—who will hate and despise the United States of America. Unless this law be repealed or drastically amended, we shall have to admit, to our shame, that they will do so with good cause.

The CHAIRMAN. Thank you, Doctor. Doctor, you were speaking of what you call your New York office. That was the office of what organization?

Dr. BURGESS. The office of the National Committee for Resettlement of Foreign Physicians. That, as I stated in this prepared state-

ment, was organized in 1939, and has handled large numbers of early refugees and, later, of displaced persons who are physicians, and it is the only agency in the country for this purpose, to resettle physicians. There is no other agency. None of the organizations of medicine, the American Medical Association and State associations, have such an agency, and we get it from all over the country. We have letters now from about 30 different countries in the world, from India, China and all over the world. We are just resettling now a group of very excellent Chinese physicians who have proved themselves to be extremely skillful and well trained.

The CHAIRMAN. For the record, that resettlement organization was formed by whom?

Dr. BURGESS. It was formed by the United Service for New Americans. I can amend that by saying that was not the name of that organization at first, but it has gone through three different names, and its present name is United Service for New Americans, but it is the Jewish-supported group that deals with resettlement generally.

The CHAIRMAN. Throughout the country?

Dr. BURGESS. Throughout the country, and they sponsor this, which is an independent committee under their sponsorship.

The CHAIRMAN. You are on a committee of the American Medical Association?

Dr. BURGESS. That committee has just been discharged, but I was a member of it while it was in existence.

The CHAIRMAN. You were a member of it, and you are a member of the Medical Society of Providence?

Dr. BURGESS. Providence, R. I., American Medical Association and many others.

Commissioner HARRISON. Doctor, do you have any general approximation of how many of the physicians that your committee over the years has helped eventually are able to meet State requirements and actually enter practice, as distinguished from work in hospitals, research, and teaching, but are actually able to engage in private practice.

Dr. BURGESS. I haven't those exact figures, but there are a good many hundreds.

Commissioner HARRISON. Is that so? And would you have any idea what is the usual length of time involved before they are able to meet State requirements?

Dr. BURGESS. I can answer that in this way: The requirements of the States all differ. Twenty-two States will not admit foreign-trained physicians at all. Other States require that full citizenship be attained before they will admit them to practice, or they will license them. Other States, like my own, require only first papers. Practically all require some retraining or hospital experience, which, in my belief, is very advisable.

Commissioner HARRISON. Certainly. Well, let's take the latter group, where there are no unusual restriction, and let's say only first papers are required, some retraining. What does that period usually amount to? Is it 2 or 3 years, or longer?

Dr. BURGESS. It usually is a matter of 2 or 3 years, yes; depending on the maturity and experience of the individual physician and his qualification.

Commissioner HARRISON. Mr. Chairman, I think it might be well if we could have from Dr. Burgess the officers of his committee, or whatever membership committee he has, if we could have that on our records.

Dr. BURGESS. I can't give the entire staff, but I can easily send it to you on our letterhead.

Commissioner HARRISON. I didn't mean staff, I meant the doctors who are members of the national committee.

Dr. BURGESS. Our set-up is this: Dr. Irving Graef is the head of a local group in New York, which are the medical advisory committee. He is chairman, and he has a number of local doctors with him, and then on our board we have a tremendous masthead of doctors from all over the country who are on our—I think we call it—board of directors. I can't remember just what we do call it.

Mr. ROSENFELD. Would you submit for the record the list of those directors?

Dr. BURGESS. I haven't a copy of that with me, but I shall mail it to you, Mr. Rosenfield.

Mr. ROSENFELD. Thank you very much.

Commissioner PICKETT. Is there a tendency on the part of more States to pass this restrictive legislation, or less?

Dr. BURGESS. I can answer that by saying that we have been working very hard since 1948, particularly, on the States and trying to get them to liberalize, and we have had some results. Ohio, Colorado, West Virginia, Rhode Island, and several other States have liberalized their requirements. Only a few have made them worse. I have a detailed description of all that in the papers that I am submitting as attachments to this.

Commissioner HARRISON. Your committee doesn't do any work so far as nurses are concerned, does it, Doctor?

Dr. BURGESS. No, it does not. We are limiting this to physicians.

Commissioner GULLIXSON. May I ask this question: The States requiring citizenship of these new Americans have required it of their own physicians for years, have they not; that is, for the privilege of practice they must be citizens?

Dr. BURGESS. Oh, yes; I believe they have.

Commissioner GULLIXSON. It's not a new thing?

Dr. BURGESS. No; as far as that, their own physicians have to be citizens to be licensed, I believe.

Mr. ROSENFELD. Dr. Burgess, could you indicate whether any of these physicians have filled specific needs that haven't been filled in any other way over a long period of time?

Dr. BURGESS. Indeed I can. A great many have filled needs that have not been filled. If you add to that the fact that we have had professors go directly into faculties, that is one need. Then we have a great lack in many of our State institutions for doctors, and in certain States, such as my own, the State hospital for mental diseases, for example, State infirmary, the State sanatorium for tuberculosis, all three of those institutions have a number of physicians from the DP group, or, previously, from the earlier refugee group, doing a good job.

Commissioner GULLIXSON. Mr. Chairman, may I ask one more question? You were confronted with the problem of deterioration of the medical profession, particularly in the Baltic states and Poland with the coming of Nazism?

Dr. BURGESS. Yes; we have known that, and we feel the recent graduates in Germany, particularly, and some of the other countries are not as well trained and should be given special consideration as a special group.

Commissioner GULLIXSON. What form of check were you able to establish concerning the education?

Dr. BURGESS. The International Refugee Organization has a register¹ which was prepared and published in 1948 which gave the curriculum vitae of all the 2,560 doctors registered as doctors. Every one of those men was carefully screened by a very eminent committee consisting of displaced physicians themselves under the IRO.

Commissioner HARRISON. Doctor, do you have in that attached material, or anywhere else, any information as to the age groups?

Dr. BURGESS. Yes. I have that all in here.

Commissioner HARRISON. That's in there. Thank you.

Dr. BURGESS. The reprint² that I have gives that, and I have also a very recently published article³ for which reprints aren't available, which covers the same material brought up to date.

Mr. ROSENFELD. Dr. Burgess, would you be able to supply us with enough copies for every member of the committee?

Dr. BURGESS. I would be very happy to. I haven't that many with me, but I will mail the other reprints, and the new reprints are due out any minute, because this last thing was published in September, and I shall mail them all to you.

Mr. ROSENFELD. Do you have any estimate, Dr. Burgess, of the number of physicians who are foreign-trained and overseas who might be interested in coming to the United States?

Dr. BURGESS. Not lately. I talked only last night to Dr. Coigny, and he said there are a good many there, but he, himself, didn't know.

Mr. ROSENFELD. For the record, would you describe who Dr. Coigny is?

Dr. BURGESS. Dr. Coigny was the medical director of the International Refugee Organization up until the end of the IRO, and he is now with the World Health Organization of the United Nations, Dr. Rudolph Coigny.

The CHAIRMAN. Thank you very much, Dr. Burgess.

(There follows a supplementary statement submitted by Dr. Alexander M. Burgess.)

PHYSICIANS IN FOREIGN COUNTRIES

We have had 174 inquiries from physicians in foreign countries within the past 9 months. Inquiries have come from—

Belgian Congo	Israel	Italy
South Africa	France	China
Iran	Germany	Formosa
Iraq	Austria	Mexico
Egypt	England	Brazil
Turkey	Scotland	Chile
India	Ireland	Argentina
Australia	Canada	and others
New Guinea	Guam	

¹ Refugee Physicians in the United States Zone of Germany and the Munich Medical Teaching Mission of 1948, reprinted from the Journal of the American Medical Association, November 13, 1948, vol. 138, pp. 813-816.

² The Journal of the American Medical Association, June 3, 1950, vol. 143, pp. 413-417.

³ The New England Journal of Medicine, vol. 247, No. 12, September 18, 1952, pp. 419-423.

Through our interpretative letters, we have been able to alert these men to the difficulties they would face after arrival, and so to decide for themselves whether they wanted to face these difficulties in the United States or to go elsewhere. They are also instructed as to the type and kind of documents they must bring to this country.

AUSTRALIA

On that continent, there are some 500 physicians who are stranded. They have been brought to Australia by IRO and assured that they would be allowed to practice medicine, only to find themselves displaced in their profession. We have been instrumental in helping several of these people get American affidavits. Two are already here and several more are coming.

THE EAST

China.—There is a large group of Chinese physicians who have been writing us, and trying to get to the United States; some want to come here on permanent visa and others on a temporary basis. On those who want to come here temporarily, we have been able to get hospitals interested in them and willing to give them contracts. We have several Chinese doctors who are already in this country, some on temporary visa and some on permanent. Some of those here temporarily seem to have a good chance to stay permanently. These Chinese doctors are unusually well trained and have good medical postgraduate experience in the United States. We have been quite successful in placing them in good jobs, where their skills can be well utilized. One of the men has just been commissioned as a captain in the Medical Corps.

Iraq, Iran, Egypt, Turkey.—There is a rise in religious persecution in this area, and as a result, we are having an influx, though in small numbers, of unusually well-trained men, very superior even to the German group which came to the United States at the beginning of the Hitler regime. We have no trouble in placing them in medical jobs.

India.—Many of the European physicians who have been living in India for many years are now suddenly facing the fact that they must leave that country because of the anti-European feeling, and here, too, we find an older, better group coming to the United States. One of these men has been used by the National Jewish Hospital of Denver, and has been found to be an unusually fine tuberculosis radiologist. Another physician from India was an outstanding trachoma specialist and was directed to the Trachoma Hospital at Rolla, Mo.

Shanghai.—We still have a number of European doctors who are stranded in Shanghai, and after living there for many years, seem to have taken on the color of their environment. I am quoting a paragraph from one of the Jewish physicians still there:

"There are no words to thank your committee and personally yourself for the holy work you are doing on earth by guiding us, already deep in the thick forest of trouble and misfortune, out to a free world."

The CHAIRMAN. Is Mr. Tipton here?

STATEMENT OF STUART G. TIPTON, GENERAL COUNSEL, AIR TRANSPORT ASSOCIATION OF AMERICA

Mr. TIPTON. I am Stuart G. Tipton, general counsel of the Air Transport Association of America, 1107 Sixteenth Street NW., Washington, D. C.

I have a prepared statement I would like to read on behalf of the association.

The CHAIRMAN. We shall be pleased to hear it.

Mr. TIPTON. The Air Transport Association of America has in its membership practically all of the scheduled American-flag airlines certificated by the Civil Aeronautics Board, including 14 airlines that carry passengers across the borders of the United States from 87 other jurisdictions. First I want to thank this busy Commission very much for allowing us to present our views. We will be as brief as possible.

I wish to talk first about the provisions of the new immigration law which deal with carriers. We endorse them. We think they are a vast improvement over the corresponding provisions of the old law.

Under the old law, the airlines have the responsibilities of an insurer that their alien passenger will be admitted. Even though an alien may be carefully screened by our Government officials abroad and receive a visa from them, the carrier is severely fined and penalized if the alien is not admitted when he reaches our shores. Thus, the old law penalized a citizen for acts he could not avoid taking.

I will mention briefly two examples to show how this worked. In 1945, one of the airlines brought in an alien from Bottwood, Newfoundland, with a valid visa granted by the United States consul 3 days before the alien boarded the airplane. Before issuing the visa, the consul had required a medical examination by a doctor he designated. Upon the alien's arrival in New York, she was held to be feeble-minded and was excluded and deported. On protest by the airline, it submitted a written statement by the consul that the alien had displayed no signs of feeble-mindedness during her interview and that the medical examiner had given her a clean bill of health. Nevertheless, the Public Health Service issued a certificate stating that the alien's medical incapacity was detectable. The carrier therefore had to repay the passage money, pay the hospital and detention expenses, carry the alien back free, and pay a fine of \$1,000.

I suggest that there is nothing in that recital which would possibly justify the imposition of a penalty upon a United States citizen by his Government.

In another case in which the alien arrived with a valid visa, the following precautions had been taken. Upon application for a visa, the consul required a medical examination. On the basis of the medical report, the consul requested that the alien obtain X-rays. The report and the X-rays were negative. Upon application to the carrier for transportation, the medical certificates were exhibited, so the carrier made direct inquiry of the consul and was assured that the alien was admissible. Nonetheless, upon arrival in the United States the alien was detained in a hospital for 3 weeks. On a final examination on the day of discharge, tuberculosis was detected, and the alien was deported. The carrier was required to pay the hospital expenses, was fined \$1,000, refunded the passage money, and was required to return the alien, without charge. Surely, here the carrier was blameless.

The new law corrects these unfair penalties to some extent. Under its provisions, if the carrier brings the alien to the United States within 120 days after the visa is issued by the American consular officer, the carrier will not be penalized by a fine or detention expense, even though the alien is rejected by the Immigration Service. The carrier, however, is still held responsible for deporting the alien. If the alien's visa has been issued more than 120 days before he arrives in the United States and he is rejected, the carrier is not fined, but if the alien is subjected to detention for examination, the carrier must pay the expense. The carrier is responsible for the deportation expense in any event.

We did not get all we wanted but, nevertheless, the provisions adopted are a vast improvement over the existing law and we support them. We wanted to be able to bring without penalty any alien to whom our Government had issued a visa. The joint committee of

the two Houses were kind enough to hear our views, but adopted these more restricted provisions.

The changes in these penalty provisions have received the approval of the President. In his veto message, he specifically referred to them as improvement over the old law—

The bill would also relieve transportation companies of some of the unjustified burdens and penalties now imposed upon them. In particular, it would put an end to the archaic requirement that carriers pay the expenses of aliens detained at the port of entry, even though such aliens have arrived with proper travel documents.

We hope this Commission will likewise endorse these provisions.

The new law is an improvement over the existing immigration law in several other respects in which carriers and travelers had been subjected to unnecessary curtailments. Thus, the currently effective law prevents carriers from advertising transportation services to the United States. This was unnecessary in view of the inability of people to enter this country without a visa, and it hampered normal commercial advertisement of our services. This has been remedied in the new law by repeal of the prohibition. The old law also required the carriers to publish and maintain copies of the immigration laws of the United States in foreign countries. The law had become much too voluminous and complicated to be of any value to a casual reader, and its publication abroad by airlines was unnecessary since officers of the State Department were available to explain and interpret the law. The requirement that carriers publish the law has also been removed by the new law.

We hope that in the administration of the act our Government will avoid making the visa requirement for crewmen into a costly burden for carriers. The new law provides that crewmen must eventually secure individual visas before they are admissible to this country. If this is applied vigorously and immediately by the United States against foreign airlines, it can be expected to cause retaliation by foreign governments against our own airline operators. Since one of our carriers operates into more than 80 jurisdictions, this carrier would be under an immense burden to secure, and keep current, visas for thousands of employees in more than 80 countries. This imposes not only great expense on carriers, but complicates and may prevent the flexible interchange of crewmen. As you may know, the crews of aircraft are interchanged among different flights, and even the members of a given crew need not remain the same as the flight proceeds from point to point. We urge this Commission to recommend that the Department of State and the Immigration Service study carefully the effect of the crew visa requirement and recommend the use of the discretionary power in section 239 of the act to prevent hardship or uneconomic practices on airline operators.

Secondly, I want to discuss the effect of the new law on travel by nonimmigrant aliens. This new act, although entitled an immigration act and prescribing our immigration policy, embodies a large part of our policy toward travel, and to that extent affects far more people than merely immigrants. While it controls the admission of immigrants, such as the 205,717 who were admitted in fiscal 1951, it also restricts the movement of nonimmigrants, such as the 465,106 aliens who came only temporarily in that year, and it establishes procedures

which must be complied with by United States citizens, of which 749,702 returned to the United States that year.

The restrictions on travel designed to protect us from unwanted immigrants should not be permitted to prevent the legitimate travel of hundreds of thousands of other travelers against whom we need no protection. For every two aliens who come as immigrants in 1951, there were four others who came to visit and seven returning American citizens.

The encouragement of business and pleasure travel favors not only the carriers but promotes national interests of far-reaching importance. The free world depends on common understanding for a firm peace, and this can be achieved only with the interchange of ideas and the free movement of people. Travel by Americans has the added advantage of permitting foreign people to earn the dollars they need so much for their economic well-being. And these are dollars which are easily earned and pleasantly spent. Travel expenditures are imports in the countries in which they are spent, in effect, which do not compete with our domestic producers and provide help which does not increase our tax burdens. The amount of these funds spent by our travelers abroad in 1951 is estimated at almost a billion dollars.

Travelers, by using the large aircraft types needed for overseas flying, can also make important contributions to our defense resources. More than 300 four-engine airline aircraft are already available to the Defense Establishment on 48 hours' notice and more would be welcome to the Defense Establishment. If these aircraft can be maintained in commercial operations, their maintenance will lessen the burden on our defense expenditures. The volume of travel has a direct bearing on the number of planes the carriers can use because the airlines can be counted on to get their share of the movement. Thus, in 1951, when more than 1,200,000 persons arrived in the United States from abroad, the airlines carried 734,299, or more than 60 percent.

We urge you to make two recommendations for the administration of this new law to encourage travel to and from the United States. First, the issuance of visas, which must be secured by immigrants and nonimmigrants alike, should be motivated by the desire to encourage legitimate nonimmigrant visitors as well as to discourage those immigrants which for one reason or another are unwanted immigrants. The administrators of this law have two alternatives. They can use the legal requirement that every alien must secure a visa to receive all visa applications in sequence, whether filed by a businessman to attend a meeting in the United States next week or by an immigrant hoping to come in 1954. They can call for vast data from each alien, whether good or bad, and can make every requirement a reason for delay. Too many aliens already feel that is the policy followed today. On the other hand, they can recognize that just as there are aliens who are obviously inadmissible, so there are also many more who are legitimate travelers whose visits should be encouraged. For those in this class, the application should be received immediately and the visa issued promptly. To accomplish that the consular offices need an adequate staff to handle the applicants but they also need to arrange their work schedules to permit the prompt and regular consideration of applications by the large number of persons whose business

relations, localities, and purposes of travel clearly establish their bona fides. The issuance of a visa promptly to a legitimate nonimmigrant traveler must become as important a working goal as the denial of a visa to an undesirable immigrant. It is in this realm of administration that this Commission could make an important contribution to the improvement of the travel policy of the United States.

The second recommendation is that the procedure for permitting aliens to move in transit through the United States without visas be continued. This procedure is authorized in the new law which permits the Attorney General to enter agreements with carriers whereby aliens may move through the United States in transit without transit visas provided they are here only for the time necessary to make travel connections and during that time are under carrier custody. The advantages of this arrangement to both the carriers and our Government has been demonstrated in the carriage of more than 25,000 aliens in the last 2 years. The airlines have been able, by this means, to compete with foreign carriers who would otherwise have carried these aliens around the United States as a speedier alternative to waiting weeks for a transit visa to pass through the United States over our flag carriers. The Immigration Service has been relieved of checking on the stay of the 25,000 aliens who were in airline custody and has gained the assurance that aliens who were expected to leave the country left as required.

We ask this Commission to recommend the continuance of this transit arrangement as embodying improved travel service and improved security precautions.

In summary, we endorse and support those provisions of the new law which deal with carriers and hope the Commission will also endorse them. Although those provisions are not all we asked for, they are improvements over the old law, and while we hope eventually to be relieved of all penalties when we bring in aliens with visas, we will wait to see what our experience is under these provisions before pressing for further amendments.

Nonimmigrant travel can be encouraged within the framework of this law by purposeful administration of its provisions. To this end the Commission can make a solid contribution by impelling the enforcing agencies to make an important goal the issuing of visas for legitimate travelers with courtesy and speed.

We thank you for this opportunity to present our views on the new law, and we will be pleased to supply any additional data or comments you may wish.

The CHAIRMAN. I'd like to ask Mr. Tipton the same question I asked the representative of the steamship lines. Have you got any idea as to how important these penalties have been to the air carriers?

Mr. TIPTON. In terms of amount?

The CHAIRMAN. In terms of amounts. You gave us two examples here. We wondered if you had any more.

Mr. TIPTON. We estimate that in 1951 the total penalties and detention expenses were in the neighborhood of a quarter of a million dollars, \$250,000.

The CHAIRMAN. On all the carriers?

Mr. TIPTON. On all the United States-flag carriers. They apply equally to the foreign carriers that come here.

The CHAIRMAN. That would be all the expenses, hospital and other detention expenses?

Mr. ROSENFELD. That doesn't include operating expense?

Mr. TIPTON. Oh, no.

Mr. ROSENFELD. Is there any estimate on operating expense, loss of scheduled time, loss of travel time?

Mr. TIPTON. No; we have no estimate on that.

Commissioner HARRISON. Do you have any idea how much of that is made up in fines? It's relatively small; isn't it?

Mr. TIPTON. Our estimate is that it is half or more.

Commissioner O'GRADY. I wonder if I might ask a question relative to the practices of other countries. When I was traveling in Europe in this past year and a half, I found that compared with my previous experience, the visa requirements had been reduced. Have you any information about that?

Mr. TIPTON. The requirement certainly has been greatly reduced, and in traveling about in Europe, it is a rare instance where you have to produce a visa.

Commissioner O'GRADY. I know the English don't require it.

Mr. TIPTON. They do not.

Commissioner O'GRADY. Suppose a European businessman had to come to this country and he had to go also to Canada and he had to pass back and forth in his business between here and Canada, as he might have to in the course of his legitimate business. Does he have to get a new visa every time he enters this country?

Mr. TIPTON. No; he does not.

Commissioner O'GRADY. It's good for a certain period of time?

Mr. TIPTON. The limit for nonimmigrant visa is 2 years. That is, he could get a visa from our consular office in the country from which he comes which would be of 2 years' duration, which would permit him to come to the United States on that visa all during the 2-year period.

Commissioner O'GRADY. How long would you say it takes to secure a United States visa abroad; for example, suppose an individual with an Italian passport seeks to obtain a visa from our consul abroad?

Mr. TIPTON. It will take him quite a while, and there has been a great deal of complaint about the length of time that it takes to secure a United States visa. That time lapse between the application for visa and actually getting one has been one that has affected those travelers that wish to travel by airline particularly severely, because they are going to take a trip from, for example, Rome, which will take them 30 hours, and a businessman is likely to want to take it on rather short notice. Nevertheless, in order to get a visa, if he does, well, he has to wait at least 2 weeks to get his visa issued.

Commissioner O'GRADY. Does he have to wait in line in the office also?

Mr. TIPTON. Not wait in line in the office, but I imagine that the entire process would involve him waiting in the line in the office at the end of the 2 weeks.

The CHAIRMAN. At the end of the 2 weeks?

Mr. TIPTON. Yes; that's true. And that is the reason we have expressed the hope in our statement here that this Commission would make a recommendation which would impel the Department of State and the Bureau of Immigration to make whatever steps are necessary

to speed up the issuance of a visa, particularly for the nonimmigrant traveler who may want to take a business trip on rather short notice.

Mr. ROSENFELD. Mr. Tipton, in your prepared statement you speak of the new law restricting the movement of nonimmigrants. When you come to your recommendations, you apparently speak of the problem being only an administrative problem. Now, did you mean to leave the impression with the Commission that so far as the contents and provisions of the law are concerned, you raise no questions on those and that the consular authorities are the sole difficulties that are in the way of rapid handling of visas, or is it the law itself which is involved as well?

Mr. TIPTON. I think quite clearly it is both, in that the law, for example, requires visas. In that way it puts a brake on travel. There can be no question of that. But we, speaking as airlines, have not sought to question the requirement of visas, because it is required for a much broader public purpose than the establishment of travel. Consequently, in approaching this legislation we have left the determination, as, of course, we had to, of visa requirements to the committee and others without comment.

But our recommendation here is that the requirements of visas having been determined upon for a broader public purpose, that special effort should be made in the administration of the law to make those requirements as easy to administer and carry out as speedily as possible. Now, do I make it clear?

Mr. ROSENFELD. I think you make it quite clear. The point I want to inquire about, though, is: Does your experience run at all to any of the merits or demerits of the substantive provisions which the consuls themselves must enforce?

Mr. TIPTON. I would say that our experience does indicate part of the procedure of securing a visa as being a particularly burdensome one and one which bothers the foreign travelers a great deal. For example, fingerprinting and personal appearance before the consul to get a visa, we have found that the foreign traveler complains about those very vociferously and quite constantly. That's the best answer I can make to that question.

Commissioner O'GRADY. The man who is just coming on a business visit has to be fingerprinted?

Mr. TIPTON. He doesn't like it.

Commissioner O'GRADY. How about the admission to the United States after he gets here, after he arrives at Idlewild, for instance, on one of your airliners, what has been your experience in that? Do you receive any complaints about getting through the Immigration Service inspection?

Mr. TIPTON. Yes, we get a great deal of criticism. The United States in its procedures, I would say both customs and immigration, is probably more restrictive and more detailed than any other country, and the process of examining the papers of an alien who is coming to this country is a very detailed and time-consuming one, which requires a great deal of standing in line, and if there is any question, of course, about his admissibility, then it becomes very serious and he is detained.

The CHAIRMAN. Thank you very much, Mr. Tipton.

Mr. TIPTON. We thank you very much, gentlemen.

Mr. ROSENFELD. Mr. Chairman, before you adjourn for lunch, I'd like to introduce in the record a communication from Mr. William S.

Swingle, president of the National Foreign Trade Council, relative to their suggestions concerning legislative sanction for broader provisions in treaties of friendship, commerce, and navigation allowing the entry of American employees into foreign countries.

The CHAIRMAN. That may be inserted in the record.

(The statement submitted by Mr. William S. Swingle, president, National Foreign Trade Council, Inc., follows:)

STATEMENT SUBMITTED BY WILLIAM S. SWINGLE, PRESIDENT, NATIONAL FOREIGN TRADE COUNCIL, INC.

NATIONAL FOREIGN TRADE COUNCIL, INC.,

New York, N. Y., October 2, 1952.

MR. HARRY N. ROSENFELD,

Executive Director, President's Commission on Immigration and Naturalization, Washington, D. C.

DEAR MR. ROSENFELD: In connection with the study of American immigration policy being made by the President's Commission on Immigration and Naturalization, there is enclosed herewith a copy of a letter dated March 24, 1952, from the council to the Honorable Pat McCarran, chairman, Subcommittee on Immigration and Naturalization, Committee on the Judiciary, United States Senate. An identical letter was sent to the Honorable Francis E. Walter, chairman, Subcommittee on Immigration and Naturalization, Committee on the Judiciary, House of Representatives.

This letter contains the council's request that legislative sanction be provided for broader provisions in treaties of friendship, commerce, and navigation allowing the entry of American employees into foreign countries.

It is requested that the President's Commission on Immigration and Naturalization give consideration to the inclusion of this proposal in any recommendations which they may draft.

Very truly yours,

WILLIAM S. SWINGLE, *President.*

NATIONAL FOREIGN TRADE COUNCIL, INC.,

New York, N. Y., March 24, 1952.

THE HON. PAT MCCARRAN,

*Chairman, Subcommittee on Immigration and Naturalization,
Committee on the Judiciary, United States Senate,*

Washington, D. C.

DEAR SENATOR MCCARRAN: Attached hereto is a draft of a proposed amendment to S. 2550 and H. R. 5678 now pending before Congress. The National Foreign Trade Council respectfully urges that your committee give sympathetic consideration to the purpose of such amendment.

In discussions which the National Foreign Trade Council has had over the past few years with the State Department and in communications which it has addressed to the Foreign Relations Committee of the Senate and also in testimony given by Mr. Charles R. Carroll, who appeared as a witness on behalf of the council at joint hearings before the subcommittees of the Committees on the Judiciary of the Congress on S. 716, H. R. 2379, and H. R. 2816 on March 14, 1951, the council's position has been that a certain provision frequently inserted in modern treaties of friendship, commerce, and navigation negotiated by the State Department could only accomplish the desired purpose if amplified to deal with the right of entry under the immigration laws of the two treaty countries. We were advised that such amplification would be inappropriate because it would impinge upon the exclusive right of Congress to deal with immigration policies.

The treaty provision in question is that which authorizes nationals and companies of one country to engage restricted categories of employees within the territory of the other country regardless of nationality. For American concerns operating abroad this provision is frequently of little or no importance because of the fact that Americans who are desired as employees by American companies doing business in a foreign country are unable to obtain entry to that foreign country under its immigration laws. Any provision in such a treaty which assured prospective American employees of an American company entry into a foreign country would necessarily be on a reciprocal basis. The amend-

ment to the United States Immigration Act herein proposed is intended to make possible the negotiation of treaties containing such a provision without conflict with the immigration laws of this country.

It is the belief of the council that the privilege to American concerns of securing entry of employees into foreign countries regardless of nationality is valuable for the promotion of American foreign trade and the protection of American investments abroad. This is particularly true in backward countries where trained technicians are not to be found, and where nationalistic policies tend to hamper American companies developing local resources. It is our opinion that the granting of the corresponding right of entry into the United States to prospective foreign employees of foreign concerns would have no significant consequences.

Mr. Carroll, in his appearance before the subcommittees of the Committees on the Judiciary, urged that an appropriate amendment to the immigration law be adopted. S. 2550 and H. R. 5678 do not appear to contain any provision designed for this purpose. The National Foreign Trade Council respectfully requests your committee to consider the enactment of an amendment along the lines of the attached draft.

Very truly yours,

WILLIAM S. SWINGLE, *President.*

PROPOSED AMENDMENTS TO S. 2550 AND H. R. 5678

It is proposed that the following amendment be added as a new subsection (J) to section 101 (14) of S. 2550, Eighty-second Congress, second session and to section 101 (15) of H. R. 5678, Eighty-second Congress, second session:

"(J) An alien and the spouse and children of such alien if accompanying him or following to join him, whose admission is requested by a national or company of a foreign state pursuant to a treaty between that state and the United States, as an employee of such national or company; *Provided*, That said persons shall be entitled to be admitted and remain within the United States, (i) only while such treaty remains in effect, and (ii) only so long as the employment by the foreign national or company making the request exists and continues and (iii) only so long as such person is an employee within a category specified in the applicable provision of said treaty."

The CHAIRMAN. We will now take a recess until 1:30 o'clock this afternoon.

(Whereupon, at 12:30 p. m., the Commission recessed until 1:30 p. m. of the same day.)

HEARINGS BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

WEDNESDAY, OCTOBER 29, 1952

THIRTEENTH SESSION

WASHINGTON, D. C.

The President's Commission on Immigration and Naturalization met at 1:30 p. m., pursuant to recess, in the Archives Auditorium, National Archives Building, Washington, D. C., Hon. Philip B. Perlman, Chairman, presiding.

Present: Chairman Philip B. Perlman, Mr. Earl G. Harrison, Vice Chairman, and the following Commissioners: Rev. Thaddeus F. Gullixson, Dr. Clarence E. Pickett, Msgr. John O'Grady, Mr. Thomas G. Finucane.

Also present: Mr. Harry N. Rosenfield, Executive Director.

The CHAIRMAN. The Commission will please come to order.

This afternoon the first witness on the schedule is Mr. Pasqualicchio.

STATEMENT OF LEONARD H. PASQUALICCHIO, NATIONAL DEPUTY, SUPREME LODGE, ORDER SONS OF ITALY IN AMERICA

Mr. PASQUALICCHIO. I am Leonard H. Pasqualicchio, Washington, D. C., national deputy of the Order Sons of Italy in America, which I represent here. I am also chairman of our committee of immigration and naturalization.

The CHAIRMAN. Just for the record—I think we have it, probably, in another part of the record where we had a hearing in some other city and a member of your organization appeared before us—but just for the record here, will you state approximately how many members are in the Order of the Sons of Italy?

Mr. PASQUALICCHIO. We have approximately 180,000 members throughout the United States, with 2,200 lodges; that is, we have what we call grand lodges and subordinate lodges. Then, in States where we don't have a sufficient number of lodges, these affiliated lodges are under the direct supervision of the supreme lodge.

The CHAIRMAN. You have about 180,000 members?

Mr. PASQUALICCHIO. Yes.

The CHAIRMAN. And you are national deputy of the supreme lodge?

Mr. PASQUALICCHIO. Yes.

The CHAIRMAN. That's the Nation-wide organization?

Mr. PASQUALICCHIO. You take, for instance, in the District of Columbia, we only have two lodges, and, naturally, they would be under the supervision of the supreme lodge. They have to have not less than 10 lodges in each State in order to have what they call a grand lodge.

The CHAIRMAN. A supreme lodge is the lodge over all?

Mr. PASQUALICCHIO. Is the national organization over all. Then we have the State grand lodges and the subordinate lodges and the affiliated lodges.

Mr. Chairman and members of the Commission, I wish to thank you for the privilege granted us to appear before this august Commission and be permitted to express our views regarding the American policy on immigration.

The Order Sons of Italy is an American institution founded over 50 years ago. Through these years we have always maintained a policy which concerns the welfare of America, socially, economically, and spiritually.

For many years this organization has been making a careful and thorough study of our immigration and naturalization problems. We wish to go on record at this time, without fear of contradiction, that our present laws are un-American, undemocratic, selfish, and ungrateful.

It is quite apparent that the congressional committees which have been studying the immigration problems for the past 6 years have failed to present a clear-cut, up-to-date policy consistent with present-day world conditions. Instead they have been more concerned in correcting the weak spots in existing laws rather than in examining the basic concepts on which these laws were based and the relationship of these concepts to our national interests at home and abroad.

I therefore wish to present to you a few suggestions to which I hope you will be kind enough to give careful and favorable consideration.

With your permission, I will read a prepared statement.

The CHAIRMAN. We shall be pleased to hear it.

Mr. PASQUALICCHIO. 1. We urge that you recommend the immediate repeal of the McCarran Act of 1952. The thought that this law denies a person, even the most objectionable one, a fair and proper hearing and the full protection of the judiciary, is highly repugnant and certainly not worthy of the United States.

2. For immediate relief, we ask that you urgently recommend the enactment of the Celler bill, H. R. 7376, permitting 300,000 nonquota immigrants to come to the United States.

3. We suggest that the Humphrey-Lehman bill be given a hearing before the congressional Committees on the Judiciary.

4. We urgently request that this Commission will recommend the elimination of existing differences between the native-born citizen and the naturalized citizen. America is no place for two-class citizenship.

5. In the past 6 years a number of bills have been introduced in Congress to pool the unused quotas. It is quite evident that this is a very important point which concerns many people.

The discrimination in allowing persons from one or more sections of the world preference of entry into the United States over those persons of another and other sections is shameful and unforgivable. In this day of enlightenment and intelligence such action, as is propounded in the McCarran Act, is inexcusable.

May we suggest to this Commission that you recommend the enactment of legislation to remedy this situation, by fixing a definite quota every 3 years for all nations, based upon an average of the previous 3 years. For example, the United Kingdom's quota is 65,000 yearly. In the past 6 years less than 20,000 visas have been used each year.

To be more specific, the actual quota visas used by British subjects in the last 3 years are as follows: In 1949, 23,543; in 1950, 17,194; and in 1951, only 15,369. Out of a total of 195,000 visas allotted to England for the 3-year period, only 56,106 were actually used. The total of the British unused quota visas for the same period is 138,894.

Why not strike an average, computed on the previous 3 years and set that number of visas for the following 3 years. Computed on the total of 56,106 visas used, the yearly average for England would be approximately 18,702. The unused quota of 46,298 could be pooled and distributed among the nations whose quotas are oversubscribed, and particularly among the nations which furnish us with immigrants possessing special skills so urgently needed here.

May I elaborate from the original text here, that this suggestion would not in any way eliminate the possibility that England could regain her 65,000 quota yearly if the demand warrants that in the following 3 years. For instance, in the following 3 years if her applications amounted to 30,000, that 30,000 could be fixed for the next following 3 years.

We realize that our suggestions and comments will present radical changes of our existing laws and policies. Our proposals may even involve many delicate problems which cannot be remedied immediately. But our desire is that this Commission will give the suggestions intelligent and careful consideration.

We are confident, Mr. Chairman, that the Commission's meetings will encourage a general discussion throughout this country as to how our immigration laws and policies actually measure up against our democratic ideals, and which will eventually help in building democracy not only in our country, but throughout the world.

The officers and members of over 2,200 lodges of the order in 35 States of the Union express deep concern in the question of immigration. Over a period of many years we have tried to develop a program designed to eliminate racial and religious prejudice. We have tried to create a feeling of good will among all people, in keeping with the heritage of freedom, equality and opportunity which have made this country the greatest nation in the world.

The members of the Order Sons of Italy, who are immigrants and descendants of immigrants, have always fought anti-American and antidemocratic activities. As faithful Americans we have continually defended our democracy, and preserve the policies of freedom and liberty on which our country is based.

We are not appearing before this honorable Commission to advance the idea that only the Italian immigrants are particularly needed in America. We do stress the thought however that there should be no discrimination against any particular race in our immigration policy. We advocate the principles of nondiscrimination on grounds of race, creed, or national origin, so that our country may maintain world leadership in promoting peace, freedom, and a stable world order. We shall always practice the American tradition of welcome to newcomers.

Immigration misunderstood: Many people are under the impression that by liberalizing our immigration laws, our country would become overpopulated. This is indeed a wrong conception usually nurtured by some Americans. It has been a thought which was created at a

time and epoch when American politics were dominated by anti-immigration and antiracial influence.

Most people in foreign lands grow up and die in the locality where they were born. But an immigrant is a person whose passion for freedom and self-improvement is so strong that it overbalances the inertia that keeps most people rooted to the place of their birth.

Another common and mistaken idea advanced by certain American groups is that immigrants, by increasing our population, take up housing, jobs and business opportunities which would be otherwise available to those already in this country. This is a wrong impression; actually, the opposite is true, because an increasing population expands the national economy in general.

We are of the opinion that the American public should be better enlightened on the problems of immigration and the great advantages which would be derived by this country by humanizing and liberalizing our immigration and naturalization laws.

We must understand that the immigrants to our country are not only workers, but consumers also. They furnish effective demand for goods and services as well as a supply of them. As potential consumers, they create an additional impetus to our economic progress.

To maintain American leadership in world affairs will eventually depend upon the way we consider our allied countries, not only in giving them economic and military assistance, but also in offering them the opportunity of coming here and enjoying the same freedom and the same privileges which we enjoy.

Objections to present laws: It would be imposing upon the good graces of this Commission if we should attempt to enumerate all of the objections which we could mention about the existing immigration laws. We also realize that present laws are not going to be changed or amended in wholesale proportions for several years to come. We will therefore mention herewith a few of the objectionable provisions of our present laws:

1. We are against the present national origin quota system. It is un-American and undemocratic. It evaluates individuals along racial lines as to the comparative worth of an immigrant. The law implies, for example, that a person of Anglo-Saxon derivation is worth at least 13 times as much to the United States as a person of Italian derivation, for instance compared with me.

2. We are still of the opinion that the recent McCarran Act, passed over the President's veto, is irrational, unfair, and extremely discriminatory.

3. We believe all our laws pertaining to immigration, naturalization and deportation run directly contrary to American economic and political interests, and out of line with our democratic system.

4. We repudiate the principle of racial and national exclusions and preferences as provided in existing laws. The principle is contrary to our Declaration of Independence which proclaims that all men are created equal.

General suggestions: 1. Primarily, we urgently recommend that this Commission will endeavor to humanize our immigration laws. This is essential in order that we may maintain world leadership, which means so much to all freedom-loving people associated with us in our fight against communism.

2. For immediate relief of overpopulated countries, we recommend the enactment of the Celler bill, H. R. 7376, introduced at the second session of the Eighty-second Congress, of 1952.

This bill was introduced by Representative Celler in response to the declaration made by President Truman, in his message to the Congress of the United States on March 24, 1952. Such a measure, which provides for the admittance of 300,000 nonquota immigrants within a period of 3 years, we believe, would work no hardship to our domestic economy.

3. If the racial quota system is to be continued, the date to readjust the quotas should be changed from 1920 to 1950 census as a basis.

4. If the racial quota system is to be continued, we suggest that all unused quota numbers should be pooled and distributed among nations whose quotas are over subscribed.

5. In dealing with the subject of the unused quota, we wish to advance the following suggestions; viz.:

England, for example, has a fixed quota of approximately 65,000 yearly. For the past 6 years or so, she has used only an average of about 20,000 a year. It would appear practical if this Commission would fix a new quota number for Great Britain based on the average quotas used over the last 3 years. This same principle should naturally be applied to other nations whose quotas are higher than they have been able to use.

While this may be a new approach to solve the problem of the unused quota, it may open an avenue to a new thought and enact laws with a certain degree of flexibility and fair play dealing with this problem.

6. This Commission should give careful study to the Humphrey-Lehman immigration bill (S. 2842), introduced into the second session of the Eighty-second Congress of 1952.

7. We suggest that this Commission should give serious study to the provisions of the McCarran Immigration Act of 1952. We believe that by its enactment Congress not only rejected the opportunity to improve our immigration policy but, instead, demonstrated to the people of the rest of the world that the American people were unconcerned and disinterested in their well-being.

We believe that this Commission should recommend laws which would be fair and flexible, setting forth a specific number of immigrants to be admitted yearly, based upon our economic conditions. Such laws should provide a system of allocating the number of visas to the different countries.

The allocation of visas should be guided by (a) the demand for immigration visas of each country, (b) the impact of a particular quota on the implementation of our foreign policy, and (c) the relationship of immigration from a particular country to our domestic, economic requirements.

Such laws would not only demonstrate that we are interested in the welfare of the people in overpopulated countries but would also enable us to adapt our immigration policy to the rapid transition of conditions of the world. We would be divorcing ourselves from the present doctrine of racial superiority and make the true interests of the United States and dominating influence in our immigration policy.

In conclusion, may we remind this Commission that we do not

recommend anything which may prove harmful to the future greatness of America. We are fully cognizant of the fact that a strong and powerful America means freedom, peace, and happiness to mankind throughout the civilized world.

Mr. PASQUALICCHIO. I wish to add the following remarks in supplementation of suggestion No. 5 in the early part of my statement:

(a) The 3-year plan as suggested would be administered by a special commission authorized by an act of Congress.

(b) To start such a plan, the number of visas to be allotted to each nation would be based upon the average number used by each country during the preceding 3 years.

(c) For the following 3 years, each country would be allowed the average number of visas used during the previous 3 years, plus a percentage of the number of pending applications as of December 31, 1952, calculated on the number of unused visas available and pooled.

For instance, supposing that during the three previous years there has been accumulated 150,000 unused visas, and that there is a backlog of pending applications of 300,000 among all the countries, the percentage of distribution available would be about 50 percent. If Italy, for example, has 60,000 pending applications on December 31, 1952, she would be entitled to 50 percent of the 60,000 applications on the waiting list.

(d) If Italy used 15,000 visas in the previous 3 years, she would be entitled to the 15,000 for the following 3 years, plus 30,000 visas from the unused pooled visas. This would give Italy a total of 45,000 visas for a period of 3 years, or 15,000 a year.

(e) After the first 3 years of operation under such a plan, the number of visas to be allotted to each country will automatically adjust itself. I believe that the starting point will evidently present the most difficult task in the proposed change.

Mr. ROSENFELD. Mr. Pasqualicchio, I'd like to see what relationship you draw between two comments in your testimony. At one point you say that you suggest that the Commission recommend the enactment of legislation which would fix a definite quota every 3 years for all nations. At another point you speak of the allocation of visas on the basis of three criteria, the demand elsewhere, our foreign policy, and our own domestic economy. Would you care to indicate to the Commission whether you think this ought to be in statute that this allocation were to take place, or by some other device?

Mr. PASQUALICCHIO. No; I believe that that would be a matter where either the Department of Justice or the Immigration Service would more or less have that control, because they would have the facts relating to the number of applications of these visas from these different countries.

Mr. ROSENFELD. Would you do it on the basis of allocation to specific country?

Mr. PASQUALICCHIO. Yes; I would.

Mr. ROSENFELD. In other words, you would assign a system of national quotas on these three criteria?

Mr. PASQUALICCHIO. Yes, all depending on the countries which furnish us with people of skills which we can use and need here in this country.

Mr. ROSENFELD. But this is to be done by administrative action, not by legislation?

Mr. PASQUALICCHIO. Yes. In other words, what I am trying to bring out, Mr. Rosenfield, is to suggest legislation that would be more or less flexible, rather than be definite in this quota system, because, once we have that situation more or less definite, why, there is no other way of managing or operating the thing.

The CHAIRMAN. What I don't quite get is this: You criticize the quota system based on race or national origin, and that's the only quota system that we have in our existing law.

Mr. PASQUALICCHIO. Yes.

The CHAIRMAN. If I understand correctly, you have criticized the quota system based on race or national origin, and then you have proposed distributing the unused quotas. If you would not distribute them on the basis of a quota system such as we now have, then how would you do it?

Mr. PASQUALICCHIO. Well, it would have to be proportionately distributed as to the number of the applications of the different countries which are not used or unable to be used.

Commissioner HARRISON. Are you making that suggestion in the alternative? Do you mean, if the national-origin quota system is to be continued, then you make the suggestion that those countries that have a much higher quota than they have used visas take your average for a 3-year period, and that will give you a certain number to put into the pool?

Mr. PASQUALICCHIO. That's right.

Commissioner HARRISON. Now, then, incidentally, in connection with that, when you come to distribute the pooled visas, will you use the criteria mentioned toward the end of your prepared statement?

Mr. PASQUALICCHIO. Or whatever the necessity demands there, depending on our relations with the different countries: that is, as to the skills that are required here and the people whom we would like to have come here.

Commissioner HARRISON. But is your primary recommendation to do away with the national-origin quota system?

Mr. PASQUALICCHIO. My primary recommendation is to do away with it and fix our quotas or recommend laws to make it flexible, to fix our quotas every 3 years, and that way it wouldn't deprive the nations of a certain number of quotas depending on their number of applications.

The CHAIRMAN. But if you are proposing to abolish the quota system, then should you be talking about quotas?

Mr. PASQUALICCHIO. No; then you can't talk about it if you are going to abolish the quota system. But, if you are not going to abolish the quota system, then the only alternative would be to bring the basis of the quota system up to 1950 and increase the number of immigrants to come in and to readjust it accordingly.

I mean, making a permanent system permanently or everlastingly, like the one we have had since 1924, is not the proper thing to do. I think conditions change periodically, and if you recommend legislation to enact laws that are flexible on these quotas, or whatever system may be adopted, fixing the number of immigrants to come here, I think it would be much better on the basis of every 3 years, because we have that change happening, in fact, within these periods.

The CHAIRMAN. In your prepared statement you said—and I quote: "We also realize that present laws are not going to be changed or

amended in 'wholesale' proportions for several years to come." On what is that realization based?

Mr. PASQUALICCHIO. Well, as Congress is a little bit slow in its operations, we don't want to force them too much to work too hard, too quick.

The CHAIRMAN. Would you explain that more fully?

Mr. PASQUALICCHIO. We know just how Congress acts in those things. We have had the experience with the McCarran bill, and a lot of them voted on the bill who had not even read it.

Commissioner O'GRADY. What do you base that statement on?

Mr. PASQUALICCHIO. You would be surprised at the letters that I received from Congressmen during that campaign, saying that they hadn't read the bill, and one particular Senator stated that he didn't know there was such a law presented and that he was sending out his secretary immediately to get a copy of it. I don't want to divulge the Senator's name, because he is up for reelection.

The CHAIRMAN. Did you testify before the joint subcommittee of the Judiciary?

Mr. PASQUALICCHIO. Yes.

The CHAIRMAN. If the present quota system were not to be kept, what would you propose as a substitute for it?

Mr. PASQUALICCHIO. If you don't keep the quota system?

The CHAIRMAN. If you don't keep it, what is the substitute?

Mr. PASQUALICCHIO. Speaking on that, if we don't keep the quota system, then it is up to this Commission to work out a program whereby a certain number of immigrants coming from each country would be allocated on the applications that have been used previously and proportion that amount entirely.

Mr. CHAIRMAN. You have criticized the national-origin quota system; but, having done that, we are interested in hearing what you would substitute for it, in specific terms.

Mr. PASQUALICCHIO. I think the only way to handle that, Mr. Chairman, would be to strike a basis on just what I have said, on the number of immigrants that want to come from different countries and break it down on that respect.

The CHAIRMAN. Do you consider that to be feasible?

Mr. PASQUALICCHIO. You can find it out.

Commissioner HARRISON. Is your suggestion in that respect to take a period of the last 3 years, the records of which are clear as to how many visas have been applied for?

Mr. PASQUALICCHIO. And arrive at a basis on that respect.

The CHAIRMAN. But there might be a great many of them who haven't applied because they know they have no chance. I question whether that would be any criterion.

Mr. PASQUALICCHIO. When this law breaks down, that is when it should be rearranged on your recommendation.

The CHAIRMAN. But you say that the present laws are not going to be changed.

Mr. PASQUALICCHIO. I want to be frank with you. I don't want to be fooling myself or be fooling the members of this Commission. We are not going to make those wheels up in Congress move very rapidly.

The CHAIRMAN. What makes you think that will be so?

Mr. PASQUALICCHIO. You are going to have a big change in the House of Representatives, new people, and they will be very much

in the dark about this whole immigration problem, and you are going to naturally have some new Senators; and, if the old Senators hadn't given the McCarran bill any study or any attention, how are you going to expect the new Senators to pick it right up quickly? They are not going to do it, sir.

The CHAIRMAN. Thank you, sir.

Mr. PASQUALICCHIO. Thank you very kindly.

Mr. ROSENFELD. Mr. Chairman, at this point I have been requested to insert a communication and statement from the Italian American Committee for Better Government of Philadelphia, submitted by Mr. Albert J. Persichetti, counsel for the organization.

The CHAIRMAN. That may be incorporated in the record.

(The communication and statement of the Italian American Committee for Better Government of Philadelphia are as follows:)

STATEMENT SUBMITTED BY ALBERT J. PERSICHETTI, SAMUEL B. REGALBUTO, AND ANDREW N. FARNESE, ON BEHALF OF THE ITALIAN AMERICAN COMMITTEE FOR BETTER GOVERNMENT OF PHILADELPHIA

PHILADELPHIA, PA., *October 27, 1952.*

The PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Washington, D. C.

DEAR MR. SHIRK: In accordance with our telephone conversation of Friday, October 24, 1952, I am enclosing herewith an original and three copies of the statement of the Italian American Committee for Better Government of Philadelphia, concerning Public Law 414, which I would appreciate your getting into the record of the President's Commission.

You will recall that I told you that there was a possibility that it would be impossible for me to attend on Wednesday, October 29. That possibility has developed into a reality, and, for that reason, I am forwarding my testimony in writing by means of the aforesaid mentioned statement.

Your cooperation is greatly appreciated.

Very truly yours,

ALBERT J. PERSICHETTI.

STATEMENT BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

Gentlemen, I am here today on behalf of the Italian American Committee for Better Government of Philadelphia, with offices at 1401 Walnut Street, Philadelphia, Pa. This organization is nonpartisan in character and is comprised of professional and successful business people of Philadelphia and vicinity who are of Italian origin, who are ever mindful of their rights and duties of citizenship, and who, whenever the situation exists whereby justice and equality are threatened, will rise up with ideas, votes, and money to promote that cause.

Our committee believes such a situation now exists by reason of the enactment of the inhumane McCarran-Walter immigration law, which is about to go into effect, and it intends to do all that it can to see that a new law is written and enacted.

Although we have many objections to the bill, since it increases the danger of arbitrary exclusion of aliens, especially since there is no appeal from an unreasonable denial of a visa, the legal grounds for exclusion, the grounds for deportation, and since it fails to encourage defection of subversive aliens in the United States, and curtails, almost to the extent of elimination, the humane provisions of discretionary relief from deportation, we feel that many groups will and could more fully cover these objections. Foremost among these groups, we believe, is the Association of Immigration and Nationality Lawyers, and we want it recorded that our committee joins in the association's stand on this bill, and endorses all its criticisms and suggested remedies.

However, we are not here today to discuss the aforesaid various objectionable matters in the law, but we do come as representatives of citizens of the city of Philadelphia and of the State of Pennsylvania, who are a proud and noble, yet humble and hurt people, the citizens of Italian origin and ancestry.

They want us to profess their indignation to the provisions in the new law which has perpetuated the antiquated, anti-Italian, and anti-southern European quota system, whereby the people of England, Germany, and Ireland are allotted about two-thirds of the quota numbers for each quota year, and the rest of the people of the world get the other one-third.

The people of Italy, for example, are permitted only approximately 5,000 quota numbers, whereas the people of Great Britain are entitled to over 60,000, the people of Germany over 25,000, and the people of Ireland over 17,000. Why is this? The men responsible for this policy give the general rationale that such a policy is better for the good of the country. They must mean that people of the British Empire, of Germany, of Ireland, make better Americans than Italians. They must forget that 700,000 American boys of Italian origin fought in the last war; that such men of Italian extraction as Dr. Fermi, who materially helped in the development of the atom bomb, and Dr. Struvinia, who helped make possible the saving of hundreds of lives; yes, German, British, and Irish included, by the development of plasma and plasma transfusion, were Italian immigrants. They could not think as they do, had they not forgotten. The President, in his veto message on this law covered this entire issue in a most direct and vivid manner, and we endorse his words most heartily.

We Italo-Americans resent this slur on our patriotism. We resent such a policy of prejudice and discrimination against the people of our common ancestors and we, most importantly, resent the presence in public office of men who harbor and foster such ideas. We want men in Congress who have progressive ideas, and men who can and will provide this country with an immigration law which will give rise to a new policy on immigration.

Such a policy, we believe, would be one based upon the provisions of the Humphrey-Lehman bill, or the bill of Congressman Roosevelt. The latter bills were designed to aid in the admission of immigrants, not to keep them out. They provided that the quota system be changed so that the 1950 census be used as a basis for determining the numbers admissible from each country, and not the 1920 census. We believe that the make-up of the population today has radically changed so that a more realistic approach on the question of quota make-up demands the use of the 1950 census.

Those bills also provided for the pooling of unused quota numbers, so that each year the full quota of allowable immigrants can enter the United States. Even under the Public Law 414, the inclusion of such a system would offer some, although not wholly adequate, relief.

We are cognizant that what we say here has been said by many groups and organizations, and by many others in many ways, but we feel it necessary that we join with all the others, at this time, in making our protest. One of the sponsors gave the impression, in Congress, that only certain groups were opposed to this bill. We want it noted of record that we the Italian American Committee for Better Government, condemn this law and all its backers and that we want to join with all fair and progressive-minded groups, and individuals, regardless of race, color, or creed, and with the President of the United States in their opposition to this law.

Respectfully submitted.

ITALIAN AMERICAN COMMITTEE FOR BETTER GOVERNMENT,
SAMUEL B. REGALBUTO, *President*.
ANDREW N. FARNESE, *Secretary*.
ALBERT J. PERSICHETTI, *Counsel*.

OCTOBER 28, 1952.

The CHAIRMAN. The next scheduled witness is Mr. Albert Bosch, acting president of the Steuben Society.

Mr. ROSENFELD. Mr. Chairman, I have from Mr. Robert F. Holoch a telegram relevant to Mr. Bosch's scheduled appearance on behalf of the Steuben Society, addressed to the Commission. Permit me to mention that this communication was in response to the second invitation extended to the Steuben Society to appear, the earlier one having gone out in September.

The CHAIRMAN. You may read the telegram into the record.
(The telegram follows:)

STATEMENT SUBMITTED BY ROBERT F. HOLOCH, CHAIRMAN, NATIONAL COMMITTEE ON PUBLIC AFFAIRS, STEUBEN SOCIETY OF AMERICA

STEUBEN SOCIETY OF AMERICA,
*New York, October 28, 1952.*TO HON. PHILIP B. PERLMAN,
*Chairman, President's Commission on Immigration and Naturalization,
Washington, D. C.*

In reply to your invitation of October 23, 1952, to attend the final meeting of the President's Commission on Immigration and Naturalization, we regret our inability to attend this final session in person and respectfully request that the following be read into the record:

The Steuben Society of America, which has made a most thorough study of all the provisions which were finally written into the McCarran Act before giving said bill its endorsement, feels, as heretofore, that our new immigration and naturalization law should be given a fair trial for at least 1 year after it goes into effect on December 24, 1952, and that its operation should not be jeopardized by any new proposed legislation. Fully realizing the old adage that no law is perfect, this society nevertheless feels that the McCarran Act is fair humane, and equitable. If, after 1 year, it should become evident that this codification of our immigration and naturalization laws of the past 30 years is not workable in certain respects, a joint congressional committee should study all the problems involved to find ways and means for amending the act. This society strongly feels that—

In the first place, the McCarran Act was duly enacted in accordance with constitutional process;

In the second place, that every agency of the Government which is concerned with naturalization and immigration last summer urged the President to sign the McCarran bill, and

In the third place, such important legislation should not become a political football in a national election year. We respectfully submit that this Commission can best serve the interests of this Nation by withholding its report until after the heat of the political campaign has subsided.

NATIONAL COMMITTEE ON PUBLIC AFFAIRS,
STEUBEN SOCIETY OF AMERICA,
ROBERT F. HOLOCH, *Chairman.*

The CHAIRMAN. I might say for the record that the President's Executive order made it clear that our report was not expected by him until before January 1, and of course, that is subsequent to election.

Is Mr. Akagi here?

STATEMENT OF RICHARD AKAGI, ASSOCIATE LEGISLATIVE DIRECTOR, ANTI-DISCRIMINATION COMMITTEE, JAPANESE AMERICAN CITIZENS LEAGUE

Mr. AKAGI. I am Richard Akagi, associate legislative director, Japanese American Citizens League, Anti-Discrimination Committee, 300 Fifth Street NW., Washington, D. C.

I think I am more or less in a double minority. I am trying to use a phrase in such a way as to convey the fact that I am in more of a minority than I generally am and that I am not going to discuss any of the technical aspects of the new McCarran law. I think during the congressional fight we had occasion to indicate our interest in certain technical provisions of the bill. However, to dispel any erroneous ideas in the minds of the members of this Commission, in case my particular testimony is not clear, I think you ought to know that the Japanese American Citizens League was probably one of the few minority organizations supporting the enactment of the McCarran-Walter Immigration and Nationality Act of 1952.

The point that I want to make this afternoon is very simple and quite obvious. Unfortunately, in the consideration of legislation in

the Congress of the United States, this simple and obvious fact is bypassed rather frequently. Perhaps a word, however, about the organization ought to be given at this point.

The Japanese American Citizens League is the only national organization representing the interests of Americans of Japanese ancestry in the United States and Hawaii. Our membership is composed entirely of American citizens and, for the most part, American citizens of Japanese ancestry. There are some 88 chapters in the organization, with members residing in some 34 States of the Union.

The subject of immigration and naturalization legislation has been one of the primary concerns of the Japanese American Citizens League and its antidiscrimination committee ever since its inception. History of persons of Japanese ancestry in the United States and Hawaii can be pegged, I think, on the fact of their racial ineligibility to naturalization. Our parents' hardship as immigrants and our own handicaps as citizens stemmed directly from this race restriction in our nationality laws. For immigrants of Asian origin, the country in which they sought shelter, the United States, provided them, as it were, a house with a rotting floor and a sievelike roof.

Out of this ineligibility to naturalization spouted the infamous alien land laws of the Western States. Although the laws were stated to apply to all persons, its effect was to apply directly to persons of Japanese ancestry, since they were the only ones engaged in any large-scale activity involving the use or the purchase of land. Out of this same racist prohibition came the Oriental Exclusion Acts of 1924. I think you gentlemen are familiar with the history of that particular series of acts.

These discriminatory laws then gave legal sanction to the growth and spread of the anti-Oriental and the anti-Japanese prejudice on the west coast. It is small wonder that this kind of atmosphere was ripe for the hysteria which later came about at the outbreak of World War II. When Pearl Harbor came, the entire population of the west coast was so jittery as to make possible the mass evacuation of persons of Japanese ancestry from those areas. America's first concentration camps came into existence as a result of that hysteria.

Because these undemocratic ideas were given sanction by the laws of our Nation, a racist minority was able to develop among their own kindred without curb vicious and inhumane attitudes against persons of divergent ethnic origin. Therefore, early in 1942 the Congress of the United States was stampeded by this racist minority into committing what the American Civil Liberties Union has called the worst single violation of civil rights of American citizens in our history. More than 70,000 American citizens, without trial, with no evidence of guilt, without due process of law, were removed from their places of residence and business and herded into desert prison camps. Therefore, our recent and direct experience with the effect of these discriminatory laws makes us rather sensitive to the importance of reforms in the field of immigration and naturalization laws.

I think internationally it is well to remember that the passage of the Japanese Exclusion Act of 1924, among the Oriental Exclusion Acts, has been characterized by the former Ambassador to Japan, the Honorable Joseph C. Grew, as the most important factor contributing to the rise of the militaristic clique in Japan and to the fall of the democratic elements in that nation. This act has been held by those

who know the Far East as being responsible more than any other single thing for the starting of World War II in the Pacific.

It is clear, then, that the presence of these racist restrictions in our present immigration and naturalization laws have had disastrous consequences. I say "present" because the new McCarran-Walter Act does not go into effect until December 24, 1952. The present laws on this subject have caused us, as a nation, as a people, to disavow in a time of crisis the very principles upon which a free society is founded. We have also unwittingly aided the anti-democratic forces abroad, and in this particular instance I am speaking of Japan and to the subsequent cost of lives, American lives, American money in World War II in the Pacific. Therefore, despite the criticisms which have been made by many competent witnesses before this Commission against the McCarran-Walter Immigration and Nationality Act, we would like to point out that this new pending law tries, at least, to do two decent things: To eliminate these twin racial discriminations from our present statutes.

We believe that these are significant advances in American law. By repealing the vestiges of the Oriental Exclusion Acts of 1924, the McCarran-Walter Act demonstrates concretely to the peoples of the Far East that we as Americans are trying to live up to our professions with respect to what constitutes a free society.

Unfortunately—or perhaps not unfortunately, but perhaps understandably, there has been little mention made of this valuable contribution to our foreign policy insofar as it relates to the Far East. We, on the other hand, have received many communications, many evidences from abroad of the gratification of the Japanese at the passage of this law. After all, the passage of the McCarran-Walter law removes the Japanese, the Koreans, the Indonesians, peoples of Southeast Asia from the class of undesirables. You must remember that under present law the only orientals allowed entry into the United States are the Chinese, who were granted this privilege in 1943, the East Indian and the Filipinos. 1945 and 1946, I believe, were the years those nations received that same privilege. Therefore, to the peoples of Asia who are still excluded, the passage of this law has been held as a great forward step.

To a group of people who are very sensitive about their cultural background, about their heritage, the presence of the Oriental Exclusion Acts on the American statute books has been no less than insulting, and I think this unfortunate lapse in the expression of our foreign policy has been remedied to a great extent by this new Immigration and Nationality Act of 1952. Therefore, the Japanese American Citizens League urges that in any recommendation made by this Commission that these improvements relating to persons of Asian origin, to the Far East, certainly be retained.

In reading over some of the comments made by witnesses before this Commission, we had an uneasy feeling that perhaps in an effort to get rid of some points that individuals found objectionable, they were going to more or less throw the baby out with the bath, and as an organization representing persons of Asian background, we feel that the contribution that this law makes toward better understanding, not only within our own boundaries, but with the peoples of the Far East, is of such a great importance that this Commission should certainly bear that in mind in any recommendation that it makes.

I think I am merely stating an obvious fact when I say that the bulk of the great fermentation in Asia today, this so-called social revolution, physical and social, whatever you have today is a desire for status above any other desire, and I think to a great degree this law recognizes the desire for status shared by all Asians.

It is understandable that most of the testimony bears on how this law operates to the benefit or to the detriment of the peoples of Europe. After all, the dominant ethnic composition of the United States is European. However, the real problem that we face as Americans and as members of this society is whether we can win as friends in the coming struggle against communism the peoples of the Far East. I think it would be extremely unfortunate if by our action we were to indicate that our concern for the Far East is less than our concern for peoples of Europe. One-half of the world's population live in the section of the globe that we call the Orient.

Our political alliances I think, in Europe, are quite clear. We have some differences with our European allies, but those are surface differences when contrasted to the differences that we are now trying to straighten out with peoples of the Far East. We are not too sure where India stands. We are not too sure where Indonesia, Burma—in fact, we are not too sure where even Japan stands, and I think it is important that we do all we can, both in the things we say in the press, in the formulation of our laws, that we make our own desires and interests in those people there rather clear. Therefore, we urge that any liberalization in immigration and naturalization laws be not framed solely to benefit persons—I shouldn't really say "solely," because I am sure that isn't the intent of any right-thinking individual here or in the Congress of the United States—at least not to create the impression that these laws are solely for the benefit of persons coming from Europe, but that these liberalizations be made without regard to race and national origin.

Because the McCarran-Walter Immigration and Nationality Act brought into being these long-needed reforms, that is, the elimination of racial discrimination in the field of immigration and naturalization, the Japanese American Citizens League pressed for the enactment of that legislation. To repeat what has already been said, we feel that some of the criticisms expressed today about the new McCarran-Walter Act are somewhat premature. We feel that perhaps specific objections to the law should be withheld until it has had a chance to operate. If and when, during the course of its operation, the law reveals deficiencies, then we will certainly be in the forefront of organizations urging appropriate amendment to fortify those demonstrated weaknesses.

And, finally, as an organization representing a minority group, we are sensitive, as I think all minority groups are, to any encroachment or any delimitation of our civil liberties. Certainly, the Japanese American Citizens League is committed to working for better and more humane laws in every field. We have fought toward liberal legislation in the past, and most assuredly we will fight for them in the future. Thank you very much.

The CHAIRMAN. Do I understand correctly that your organization supported the McCarran-Walter bill because it removed the exclusionary features of existing legislation as far as Asiatics were concerned?

Mr. AKAGI. That's right.

The CHAIRMAN. And it did accomplish that result in which your organization was interested?

Mr. AKAGI. That's right.

The CHAIRMAN. What is Japan's quota?

Mr. AKAGI. One hundred and eighty-five.

The CHAIRMAN. Are you satisfied with that?

Mr. AKAGI. I don't know how to answer that, really, because then I would get into the same problem that faced the gentleman speaking for the Sons of Italy. Let me put it this way: Although I am not in favor of the national-origins principle, because I think we all recognize the motivation behind that, nonetheless, under the national-origins principle, the people of Japan are placed on absolutely the same footing as the peoples of Europe. When we accept that principle, we don't see that our friends have come forward with any other quota system which would give to persons of Asiatic backgrounds that same type of equality.

The CHAIRMAN. Are you opposed to a quota system based on race, color, or national origin?

Mr. AKAGI. I am in principle; yes.

The CHAIRMAN. I am dealing with the principle.

Mr. AKAGI. Yes.

The CHAIRMAN. Then do you think you are warranted in saying, if you are opposed to it in principle, that any criticism of existing legislation that embodies a principle to which you are opposed is premature?

Mr. AKAGI. Well, I don't think the criticism of that phase of it is premature; no.

The CHAIRMAN. That's what I wanted to know.

Mr. AKAGI. No; I was thinking more or less along the line of operation where people are raising questions about hearing procedure, deportation procedure, items of that kind. With respect to the national-origins principle, I don't think that you are going to find us in any disagreement. However, I think the problem faced by anyone trying to replace the national-origins principle is, as you pointed out to this other gentleman, how are you going to do it, by population pressure, by needs? If you did it by population pressure, then you would have to give, it seems to me, Asia first consideration.

The CHAIRMAN. You are, I think, referring to Mr. Pasqualicchio. He said that was one of the elements.

Mr. AKAGI. And need. But if you were going to do it on the basis of need, economic or any other kind of need, you would also have to give a tremendous amount of consideration to peoples of the Far East. Despite the fact I am a person of Japanese ancestry, I recognize that there is going to be a problem of assimilation, of integration, and I think the country has to first of all consider some of those sociological facts before they can say, "We will take 500,000 Chinese, Japanese, Koreans into the country and 500,000 Europeans." I mean, while in principle I am against any kind of delimitation of the sort, at the same time we live in a society in which we recognize certain tensions to be at work. So I don't know, I think all criticisms about the national-origins principle is valid, but I personally—

The CHAIRMAN. You don't think they are premature?

Mr. AKAGI. No, not criticisms against the national-origins principle.

The CHAIRMAN. You understand, of course, that is incorporated in the legislation that we are talking about.

Mr. AKAGI. It is, but I think it is important to point out that the Humphrey-Lehman bill, despite their efforts to get around the national-origins principle by coming up with this idea of pooling of unused quotas, nonetheless they basically retained the national-origins principle as the base of operations, and I think if these gentlemen could come up with some other working plans, they would have come up with something else other than national-origins principle.

Commissioner O'GRADY. But have you not stated that there must be no discrimination on the basis of race, creed, and nationality?

Mr. AKAGI. That's right.

Commissioner O'GRADY. Then, if you believe in that principle, do you not think it ought to be put into effect?

Mr. AKAGI. That's right.

Commissioner O'GRADY. Let me ask you this. Are you going to be satisfied with an annual quota of 185 for Japan permanently?

Mr. AKAGI. Actually, it is a little bit far afield for me as a representative of the Japanese American Citizens League to talk about what should be a proper quota for Japan, because fundamentally we are an organization of American citizens, and since we had a great deal of difficulty during 1942 and 1946 in telling the American public that we are, first and foremost, American citizens and not Japanese subjects, we are rather sensitive about moving into that international area where there might be a confusion of identities, as it were. We want to be known, first of all, as American citizens. I think that ought to be made clear.

I don't know what would be a satisfactory quota for Japan, but 185 is a small number. But there is this other aspect, too: Under the McCarran-Walter law there is a nonquota provision for spouses, man or wife of an American citizen, and their children, and we foresee that under this nonquota provision of the McCarran-Walter Act that tens of thousands of persons of Japanese background will be able to enter the United States.

The CHAIRMAN. Do you mean those who marry our soldiers over there?

Mr. AKAGI. That could work out that way, but there are people who have wives over there, and what not, children, American citizens, and they will be able to be reunited with their families. Perhaps that sort of thing will taper off after 5 years or so.

Commissioner HARRISON. Mr. Akagi, your organization appeared and supported the McCarran Act largely for the reason that you have stated here today; isn't that so?

Mr. AKAGI. Yes.

Commissioner HARRISON. I assume that your organization also studied other provisions of the McCarran Act?

Mr. AKAGI. Yes, we did.

Commissioner HARRISON. Now it has been testified before us that there are some other features of the McCarran-Walter Act which introduced for the first time some provisions that in themselves are alleged to be new forms of discrimination. Are you aware of any such provisions?

Mr. AKAGI. I don't know whether you are referring to the Asia-Pacific triangle formula. Is that one of them?

Commissioner HARRISON. What about that?

Mr. AKAGI. I can discuss that.

Commissioner HARRISON. Are you familiar with the Jamaica situation?

Mr. AKAGI. Yes, I am familiar with the Jamaican situation.

Commissioner HARRISON. Well, let us now, without being too specific about it—would you agree or disagree with the testimony given by others who allege that some of those provisions represent new elements of discrimination injected into our immigration laws?

Mr. AKAGI. I think they do. I wouldn't disagree.

Commissioner HARRISON. Would your organization make a reservation of its support with respect to those other provisions, or were you simply so satisfied in having one form of discrimination eliminated that you are willing to lend the support of your quite powerful organization to legislation which eliminated, and allegedly has brought into existence other forms of discrimination?

Mr. AKAGI. When stated that way, I feel quite—

Commissioner HARRISON. I want to state it fairly. You can even rephrase it, if you will.

Mr. AKAGI. I think you have stated it fairly, certainly viewing it from the other side of the fence. But I think we can face up to certain political facts. There is no such thing as fighting for a bill with reservation. That is one of the unfortunate things in a fight. You either fight, or you don't fight, and in that case, we had to fight, and we fought for these things, feeling at the same time as Harry Emerson Fosdick would have expressed it, "You may not like this thing—"

Commissioner HARRISON. I like Harry Emerson Fosdick.

Mr. AKAGI. You will forgive me for quoting something from my favorite philosopher, William James, who said, "The individuals who insist that the ideal and the real are dynamically continuous are those by whom the world is to be saved."

Now, we know what the ideal is, but we also face up to certain real facts of life, and in this particular case the decision we came to—and we confess we came to it with much soul searching—was that the elimination of these twin discriminations was such as to overshadow, perhaps, the lesser discriminations which came into being. In other words, if I may use the illustration of John Stuart Mills here, it is a matter of almost weighing values against values. Now, that may not be a very clear statement.

Commissioner HARRISON. I think that's a very clear statement, but I would then ask only and finally the question put to you in different form by the Chairman. You wouldn't consider as premature any consideration by this Commission of other provisions of the McCarran-Walter bill which other people have testified might represent other forms of discrimination, because they are equally important, aren't they, in the international situation?

Mr. AKAGI. I can see I am getting in trouble with that word I used there, "premature."

I can afford to be not quite so sensitive now, because our fight is over and the thing is law. It was a rugged fight, may I say. Some of my best friends and I weren't on speaking terms for a while. But what I mean by "premature" is the procedural items in the bill; that is to

say, as I said to the chairman, that there are certain operational matters, and until the regulations and rules and forms have been issued by the State Department and the Immigration and Naturalization Service, we are not sure as to how these things may operate. Perhaps my thinking has been continued, because I have talked to a great number of lawyers, and the interests of the lawyers generally center on things like the elimination of preexamination, for example. How would that operate? Is that discriminatory in its operation? How about the provision of status, and so forth, and they cannot be determined until the thing is out.

The CHAIRMAN. You might be interested to know that a well-known professor of law who testified before us said he had to read one section of the act 13 times before he thought he understood it.

Mr. AKAGI. Well, I think we in the organization followed this bill from its very beginning until its conclusion, and it was a tough bill.

The CHAIRMAN. Isn't it fair to say—and I ask you this with all good feeling—that the interest that you and your organization had in the passage of the bill, the interest you now have in supporting it, is entirely a selfish one, because it did accomplish the one thing that you were primarily interested in?

Mr. AKAGI. Yes, yes.

The CHAIRMAN. And that you haven't been so much interested in the other things?

Mr. AKAGI. May I mitigate that just a bit? The term "selfish" is such a harsh term. You see, our financial support to a great extent comes from these interests or persons who are ineligible for naturalization. These people are well in their sixties. Now, for a young person like myself, I can stand on principle for another 10 to 15 years without any appreciable effect, so it doesn't make too much difference. To these people the whole area becomes rather shaded and gray, because if we don't get naturalization, citizenship privileges for them within the next 5 or 6 years, the whole business becomes meaningless. And I think our selfishness can't be just put down as a selfishness in a kind of a grubbing sort of way, I think there are certain extenuating circumstances.

The CHAIRMAN. Mitigating circumstances?

Mr. AKAGI. Yes, sir.

Mr. ROSENFELD. Mr. Akagi, I wonder if I might pursue the word you would perhaps rather not have used, "premature." If there are allegations made before this Commission that certain procedural developments of the McCarran Act as alleged, depart from the basic system of Anglo-American jurisprudence in the protection of the rights of people, irrespective of what the regulations may do, do you think this Commission's consideration of those things is premature?

Mr. AKAGI. Well, isn't the judgment that there has been a breach of that somewhat premature?

Mr. ROSENFELD. If the allegation is made to the Commission that irrespective of how they are administered, the provisions themselves, as alleged, are a departure from basic principles of American or Anglo-American jurisprudence, can we say that that is premature at this time?

Mr. AKAGI. No; I guess you can't.

The CHAIRMAN. Mr. Akagi, I recall that your organization asked me, when I was Solicitor General, to intervene in a case in the Supreme

Court which involved what they said was a discrimination against Japanese, and we didn't wait till the Court decided the thing, and it was all over. It may have been premature for us to take your position, but we did it when you asked us to, and we won it, by the way.

Mr. AKAGI. I am going to delete that word from my vocabulary.

Commissioner HARRISON. I think we can agree to delete the chairman's word "selfish," too.

The CHAIRMAN. No, I don't want to delete it, because there are all kinds of constructions to be put on that.

Commissioner HARRISON. Perhaps justifiable selfishness.

Commissioner GULLIXSON. Mr. Chairman, inasmuch as the witness started out by saying that he found himself in a double minority, might it not be well to call attention to the fact that he is in a decided majority when he thinks of the interest of his own antecedent group. There have been two exceptions in all of the hearings that I have attended where so-called nationality groups haven't thought primarily concerning their own. So, sir, you are quite in a majority.

The CHAIRMAN. Thank you very much, Mr. Akagi.

Is Mr. Mohler here?

STATEMENT OF BRUCE M. MOHLER, DIRECTOR OF THE BUREAU OF IMMIGRATION, NATIONAL CATHOLIC WELFARE CONFERENCE

Mr. MOHLER. I am Bruce M. Mohler, director of the Bureau of Immigration, National Catholic Welfare Conference, 1312 Massachusetts Avenue NW., Washington, D. C.

Mr. Chairman and members of the Commission, in response to your invitation to the National Catholic Welfare Conference. I am pleased to submit a statement of our views with respect to the immigration policy of the United States, the laws relative to immigration and naturalization and the administration thereof. With your permission, I will read it.

The CHAIRMAN. We shall be glad to hear it.

Mr. MOHLER. The National Catholic Welfare Conference, has, from the time of its establishment concerned itself with the immigration question.

Three decades ago a Bureau of Immigration was set up within its structure, with the present incumbent as its first director. Over those years it has dealt with an endless variety of immigration problems and has had wide experience with immigration legislation, regulations and their administration, naturalization, deportation and all related phases thereof.

By way of preface to this statement, it may be said that it is our conviction that the admission of peoples from other lands into the United States and the question of the number and qualifications is not just a national and a contemporary problem. It is also part of the worldwide and ancient problem of the general migration of peoples, a problem in which, however, the United States has the responsibility for cooperation with other nations, and at this time, the responsibility for leadership.

That the United States can provide a home for far more people than are now being admitted seems beyond question. We have all but stopped immigration from foreign lands which would have provided badly needed manpower for our factories and our farms, with the

result that we have been forced to encourage or to induce entry of about double the proportion of married women into industry and business. Our economic life in recent years has needed more manpower, but in fact it has gotten more womanpower.

While the United States can take more, it obviously cannot take all. The problem is international in scope and as a whole can be solved only by international cooperation. This demands a world economic program embracing increase in production, technical assistance and general economic measures including planned migration and sound distribution of the products of the earth.

For the solution of this pressing problem as a whole, we urge genuine cooperation among the nations, and for the problem of the United States, objective, high-minded and prompt action by business, labor, the farmers, the professions, and government, jointly with other experts in the field.

In this connection, it is hoped too that full advantage will be taken of the provision in the new Immigration and Nationality Act title IV, which authorizes a joint congressional committee to keep the law under constant review, and to report recommendations to the Congress.

The following are some specific comments on—

- (1) The assignment of quotas.
- (2) Security provisions.
- (3) Naturalization and citizenship.

The assignment of quotas: With regard to the assignment of quotas, it may be pointed out that the National Catholic Welfare Conference has always regarded the policy adopted in the 1920's as unfair, unscientific and highly discriminatory. It has stated that position repeatedly at congressional hearings and in other public forums.

A complete and detailed catalog of the protests of the National Catholic Welfare Conference would make this testimony too lengthy. But just for the record and to show that the position has been consistent and of long-standing, it may be appropriate to cite a few instances from the voluminous history that can be found in the records of Congressional hearings and the files of the press over the years.

In February 1924, Father John J. Burke, then general secretary of the National Catholic Welfare Conference, filed a formal protest against H. R. 101 with the House of Representatives Committee on Immigration and Naturalization, in the name of the National Catholic Welfare Conference.

The document has such passages as the following:

We protest against the principle and purpose underlying this bill which excludes immigrants from certain countries and favors admission of immigrants from other countries. Such a policy is a distinctive and deplorable departure from our enduring traditions as a nation.

Writing for the NCWC Bulletin (the official organ of the NCWC) in March 1924, the Director of the Bureau of Immigration called the restrictive legislation a cruel and inhumane instrument and pleaded—

Let us not indulge in discriminatory measures which are unscientific in principle and direct affronts and insults to different peoples among us.

In 1926 the general body of Catholic bishops of the United States, at their annual meeting in Washington, formally went on record as

opposed to an immigration policy founded on the proposed national origins formula.

On March 29, 1928, a letter from the chairman of the administrative committee, National Catholic Welfare Conference, Archbishop Hanna, introduced in testimony before the House Committee on Immigration, declared that the grave situation created by the 1924 act—cries out for relief. We wish again * * * to ask, respectfully and earnestly, that this situation, so intimately connected with the social, moral and religious life of our country, be relieved.

There was, in fact, hardly a year since the 1920's in which similar representations were not recorded.

When in 1947 the Congress authorized a new study of the immigration problem, again the National Catholic Welfare Conference pleaded with those responsible that the national origins formula be eliminated or modified. That plea was not heeded.

Later, many other changes in existing law and regulations were urged in a letter from the chairman of the administrative board for the National Catholic Welfare Conference to the committee (dated April 4, 1951). Many of these were accepted.

When the results of the study were incorporated in S. 2559 and H. R. 5678 of the Eighty-second Congress, the National Catholic Welfare Conference again petitioned that the restrictive features of the measures, taken over from the previous legislation, be eliminated, and that there be provision for pooling of unused quotas. Again those pleas were rejected as dealing with a matter that was not under discussion. Once more the National Catholic Welfare Conference suggested other amendments designed to improve other features of the bills. Many of those were adopted.

On February 27, 1952, the administrative board of the National Catholic Welfare Conference went on record in favor of proposed special legislation to admit some 300,000 refugees and others over and above existing quotas. That action was confirmed at a subsequent meeting held in April 1952.

It may be of interest to recall, too, that on July 19, 1949, the National Catholic Welfare Conference pleaded with the Senate Committee on the Judiciary for a relaxation of the restrictive quotas for Asiatic races.

So much, briefly, for the record.

As for the formula itself, it may be pointed out that its presumed objective—to preserve certain proportions of ethnic groups in the country—has not and cannot be attained for two reasons, the failure of countries of western and northern Europe to fill their quotas, and the nonallotment of quotas to our neighbors of the Western Hemisphere.

It should be noted that even some countries of northwestern Europe have more potential emigrants to the United States than visas are available. This is especially true in the case of the Netherlands.

The allotment of visas against future years, up to 50 percent, as provided in the Displaced Persons Act, as amended, has resulted in "mortgaging" of the quotas of the countries concerned for decades, and even generations to come. Yet it is from these areas that some of the most worthy refugees from Communist persecution have come.

This situation points up even more forcefully the mistake in assigning quotas according to the national origins formula.

The United States has, of course, both the right and duty to regulate admission of immigrants to its shores. The history of European emigration in the nineteenth and early twentieth centuries reveals that the majority came of their own accord to the United States. We can be justly proud that the United States was their country of first choice, as it was with so many of the refugees after World War II. But this tendency leads to the conclusion that some over-all limit on the number of immigrant visas granted is both necessary and desirable. It is important, however, that assignment of such a top limit have the effect of regulating and not discouraging immigration. Experience with the national origins quota formula shows that it actually resulted in keeping the number of immigrants well below the theoretical top number permitted. It hindered admission of worthy immigrant in all too many instances.

Another objection exists to the national-origins formula as the basis for assigning quotas. It stands in the way of implementing the foreign policy of the United States when this policy might logically lead to admission of certain categories of desirable immigrants. It is based solely on theoretical percentages of ethnic groups in this country, and does not take into account economic, social, or political conditions elsewhere. It is one thing to admit that aliens do not have a strict right, in law, to come into the United States, and quite another to say that admission should be based on an arbitrary formula which fails to take into account changing conditions elsewhere, or the reasonable wishes of potential migrants.

The immigration and nationality laws of the United States should reflect, or at least be adaptable to, the foreign policy of the country. Thus it was in the interests of the country to admit refugees from nazism and later from communism, but we were handicapped in doing so because the basic law could not be modified nor was the formula flexible. It is to our credit that the Congress passed the Displaced Persons Act, and later amended and extended it.

It is not possible, of course, to foresee all contingencies in drafting basic immigration policy. The over-all number of visas authorized for Europeans (150,000) would not, for example, have permitted entry of the refugees in numbers comparable to those permitted under the Displaced Persons Act. The same is true now when new refugees and other categories in Europe stand in need of special opportunities.

The United States, for historical reasons, has close ties with Europe. It is, therefore, natural that migration of Europeans to our shores should be permitted in sizable number. Because of the special needs in Europe and the closeness of the Atlantic community, such is likely to be the case for the foreseeable future. It is also a wise thing to take special cognizance of the relationships which exist among the peoples of this hemisphere. This is actually done in the provisions for nonquota immigration from these Western Hemisphere countries.

We note with satisfaction the steps taken toward eliminating race as a barrier to immigration and naturalization. This has repaired much of the damage done United States prestige and influence among the nonwhite peoples of the world, especially in Asia. It is to be regretted, however, that part-Asian ancestry still remains a bar to

immigration for potential immigrants from non-Asian countries. If quotas are to be assigned—and some method of distributing visa opportunities is necessary—it should not be on the basis of race or racial ancestry.

Security provisions: Controversy over the security provisions of United States immigration law is almost inevitable. Some feel that the American ideals of freedom and free exchange of ideas should prevail above practically all other considerations. Others are concerned, and not without reason, about the possibility of sabotage, subversion, and conspiracy. A balance must be struck between these two viewpoints. The security of the United States must certainly be safeguarded, for if that goes the American ideals of freedom will have no meaning. Some persons definitely use the cloak of freedom to conceal their efforts to destroy it. The immigration and nationality law has to take this into account.

We take for granted that aliens coming to the United States, either on a permanent or temporary basis, will be carefully checked or screened as to security. Denial of visas to aliens should be subject to some sort of administrative review, and not left solely to decisions of consuls abroad. It would be particularly regrettable, for example, if eminent scientists or scholars should be kept from our shores, unless it is reasonably certain that their admission constitutes a security risk.

There is nothing fundamentally unjust in reviewing the general travel plans of residents of our country going abroad. The present world situation makes this necessary. Nevertheless, denial of passports should be kept to the minimum, and should be subjected to administrative review. A sound policy in this regard seems at least in process of formulation.

Naturalization and citizenship: Naturalized citizens are for the most part just as good, and sometimes better, Americans as those born here. In fact, they are ordinarily more appreciative of what that citizenship means. Our country, in the course of its history, has always had a good percentage of such naturalized citizens in its midst. We should not develop undue anxiety about these naturalized citizens at this time.

It is perfectly reasonable to assume that persons admitted to the United States for their permanent residence should eventually become citizens. Only thus can they become full members of the American community, and share fully in our way of life. Toward this end our naturalization program should be continued and special efforts should be made with groups which may be slow to naturalize because of economic status, language difficulties, or discrimination because of color or race.

In conclusion, the position of the National Catholic Welfare Conference may be summarized as follows:

- (1) There should be objective study and prompt action in reference to the vexing and difficult problem of devising a just and practical substitute for the national origins formula and of revising objectionable features of the new legislation, some of which have been hinted at in the above remarks.

- (2) Although the pooling of the quotas has been urged as an expedient, it has the disadvantage of perpetuating the basic discrimination of the national origins formula.

(3) Special legislation should be enacted immediately by the United States to provide some relief for the present emergency situation and to encourage other nations to do likewise.

The CHAIRMAN. Thank you very much, Mr. Mohler.

Mr. MOHLER. You are welcome, Mr. Chairman.

Mr. ROSENFELD. Mr. Mohler, do you suggest that there should be an objective study in connection with developing a substitute proposal for the national-origins formula which you reject?

Mr. MOHLER. Yes.

Mr. ROSENFELD. Would you care to suggest to the Commission what some of the factors should be in a substitute for that formula?

Mr. MOHLER. I knew that was going to come up. Well, I will tell you, we have studied it over, and as you know, it is a tough one. But we are not yet ready to take one that suits us, one that we think will have a reasonable support in Congress, and unless we do come up with a formula of that kind, we might just as well keep it in our pockets.

The CHAIRMAN. Thank you very much.

Is Mr. James Finucane here?

STATEMENT OF JAMES FINUCANE, ASSOCIATE SECRETARY, NATIONAL COUNCIL FOR THE PREVENTION OF WAR

Mr. FINUCANE. I am James Finucane, associate secretary of the National Council for the Prevention of War, 1013 Eighteenth Street, NW., Washington, D. C., which is the organization I represent here.

The CHAIRMAN. For the record, would you tell us something about your organization. How many members it has?

Mr. FINUCANE. The National Council for Prevention of War is a nonprofit, educational organization incorporated in the District of Columbia in 1922. It has no popular membership. It is a corporation with, I think, eight members.

The CHAIRMAN. The incorporators?

Mr. FINUCANE. That's right. However, the national council is supported by the voluntary contributions of several thousand persons from all parts of the country.

The CHAIRMAN. Who is the head of it?

Mr. FINUCANE. The executive secretary is Frederick J. Libbey and our function is the education, with the limited means at our disposal, of the American public on issues of war and peace, one of which we think, incidentally, is immigration.

The CHAIRMAN. Isn't there a president?

Mr. FINUCANE. There is no president. We have vice presidents. It is the peculiar corporate form.

I should like to read a prepared statement.

The CHAIRMAN. We shall be pleased to hear it.

Mr. FINUCANE. Before outlining what we think might be worth considering as an improved immigration policy for the United States, let us establish two assumptions.

First, we believe that the United States should and can grow. Compared with its vast potential, it is a relatively undeveloped country. The Bureau of Reclamation estimates that west of the Rockies alone there are nearly 50 million acres which could be watered into life.

Irrigation there would be like adding to the United States a new country comparable in agricultural productivity to France or prewar Germany.

New population coming from abroad can help bring this land into flower. The average young adult, arriving in this country, represents an investment of \$10,000 already made in his education, physical rearing, and professional development. This is the dowry, so to speak, that he brings with him.

Observers of population growth in industrialized lands attach another value to incoming populations. The newcomers add to the size of mass markets, increasing all kinds of sales and helping business. At the same time, their presence makes possible an ever-increasing degree of specialization, with resulting cost reductions and a corresponding increase in the general standard of living.

An example of the wealth, with which immigrants can endow their host lands, even within a short time, can be seen in the new industries the 9,000,000 expellees have established in Western Germany. Just a sample, from the Province of Bavaria, is shown in an illustrated booklet published last year by the Bavarian Land Government. A copy is being deposited with this Commission for its examination.

Assumption No. 2 may be stated as follows. The present occupants of the United States hold assets of this country, not in absolute and unrestricted ownership, but in a sort of trust. The trust extends in two directions: to the future for coming generations, and outward in present times for some of our contemporaries in other lands.

It is clear from all this that there should be an immigration program. The only points to be settled are how many and who.

It is useless to try to pick out perfect size population for the United States. Every mark that we might set would soon be challenged by new inventions in science and industry, making possible the sustenance of even greater numbers on the same natural resources. Malthus is dead and his theories with him.

The only thing to do is to go ahead for a few years at a time, at proven rates of expansion, and then take another look. We would recommend an immigration policy for a 20-year term. The number of persons to be admitted each year would be not more than 750,000 a year to begin with, varying between that number and zero according to business conditions. Business conditions are taken as a measure of our ability to absorb and employ new productive energies.

This number is not pulled out of a hat. Rather it is based on the recorded experience of the main immigrant-receiving countries of the world, measured over a 60-year period between 1864 and 1924. Careful analysis by population scientists reveals that the average growth of the countries measured in the survey was 2 percent per year.

Our population in the United States is growing on an average of $1\frac{1}{2}$ percent per year, averaged over the 10-year period between 1940 and 1950. That is only the natural increase, due to the surplus of births over deaths.

The number, 750,000, represents the missing one-half of 1 percent between the natural growth rate and the proven absorbable growth rate of 2 percent.

Incidentally, it is not much more than half the annual number we absorbed in some of the years before World War I, when our population was one-third smaller than it is now.

However, to avoid the unfortunate circumstances of having large immigrant arrivals at a time of depressed business activity here, we propose that the ceiling of 750,000 be cut in times of abnormal unemployment. I believe our economists and statisticians have a normal unemployment figure in their briefcases. I know the figure for Great Britain runs 3 million, which includes unemployed persons who are between jobs and who are not considered abnormally unemployed. In the years when the annual unemployment figure here exceeds that normal figure the 750,000 would be cut correspondingly.

That settles the number to come: Up to 750,000 a year for the next 20 years.

Now, who?

The national origins quota system is one formula for deciding who. Let in the people who look like us who are already here. It has met with some criticism, some of it justified. Ignoring certain naive prejudices from which we are not yet entirely freed, the national origins quota formula reflected, I believe, some rather practical fears. One of them was that the then existing hierarchy of political and social power would be rocked by the arrival of masses of new voters. Minorities might become majorities overnight. Or might shift the balance of political power.

That intriguing possibilities in this direction still remain is attested by the final report¹ of the Displaced Persons Commission which reveals (p. 244) that almost 25 percent of the DP's who had arrived by the time of the 1950 census, were making their first residence in New York City. This concentration in an electorally crucial area has definite implications for the future. It can, in a close national election where New York State's prize bloc of electoral votes decides the victor, be responsible for the choice of a President.

A more objectionable feature of the national quota origins system is that it minimizes, almost to the diminishing point, the immigration chances of most Negroes and Orientals. Oddly enough, most of the critics of the national quota origins system offer nothing definite to remedy this defect, but are content with alternatives favoring their own preferred nationality groups.

One proposal, for example, for pooling the unused quotas which is advanced as a substitute for the national origins quota, wanted to distribute them among all the nationalities which had oversubscribed their quotas, except the German. This proposal was introduced in Congress this year by an otherwise apparently genuine, 24-hour-a-day liberal.

Of course, discriminations of this sort, when they are so obviously based on race or national prejudice, should be avoided. We therefore propose a three-way formula, merging the NOQ principle with two other equally valid, it seems to us, claims for a share of the quotas to be admitted to the United States. These other claims would be based on the size of the population of the country from which the intending immigrant comes; and (2) its need for immigration.

¹ The DP Story, Final Report of the U. S. Displaced Persons Commission, U. S. Government Printing Office, Washington, 1952.

The annual quota for each country would be averaged from the strength of these claims as follows:

A hypothetical country, Exland, now has an annual NOQ of 15,000. This represents 10 percent of the present immigration pie. Under the new system, Exland would get 10 percent of a larger pie, or 75,000 visas in a normal year. But—

Exland's population of 50 million would also be taken into account. It is 2½ percent of the world's population. Two and one-half percent of 750,000 is 18,750. But Exland had 50,000 applicants for admission to the United States. Assuming a global registration of 1,000,000 applicants, this would come to 5 percent of 750,000, which is 37,500. Then the three numbers—75,000, 18,750, and 37,500—would be averaged out to give a final quota for Exland of 43,750 for the given year.

Incidentally, these three, if I may divert from this typescript here for a minute, types of quotas, as you can see, are based on three principles. One is the prejudice principle; the national-origin quota. We like ourselves; we like people who look like us. The second is the fairness principle; that is, an equal right for admission to everybody regardless of race, religion, color, etc., on the same basis. Representatives are elected to Congress; that is, big States have more Representatives, little States have fewer Representatives. That's the fairness one, and the third principle is the warm-hearted need one, under which the need is translated into a figure by the number of applicants for admission.

Mr. ROSENFELD. The theory being you dilute unfairness by fairness?

Mr. FINUCANE. Exactly.

The CHAIRMAN. And vice versa?

Mr. FINUCANE. And vice versa, a compromise mathematically arrived at, because it's very hard to work it any other way, except on a basis of individual cases, which would be an administrative impossibility.

(Resumption of reading of prepared statement by Mr. James Finucane:)

Justice would be more nearly approached than it is now.

Any proposal which looks toward abolishing the national-origin quota system alone is not going to get anywhere in Congress. A substitute must be provided.

Within the numbers set up as described above, a system of preferences that allows for preserving or reuniting family units should be observed, with special skills and other qualifications conferring subordinate priorities.

In addition to these broad recommendations for a 20-year program, our Government should do something about some of the emergency short-range situations which have arisen partly through our acts.

We are thinking particularly of the escapees from behind the iron curtain who are now pouring into Western Germany. They are being made a charge upon the German economy. It is difficult, if not impossible, for them to be assimilated there, even if they wished to be.

Our Government, since it spurs their flight from behind the curtain with its propaganda media, should assume some responsibility for their resettlement in third countries. Pending that, it should pay the German Government adequately for their support.

Another group in Germany, the portion of the expellees who, because of their farm background, cannot be satisfactorily assimilated in a land-short country, should be given special opportunities to emigrate. We must never forget our national share of responsibility for the forced and inhumane exodus of the 12,000,000 ethnic Germans at the end of the war.

Then, too, American soldiers have fathered children in almost every quarter of the globe. A reasonable guess, on the basis of available reports from only three countries, would put the number somewhere between 150,000 and 300,000. Our sources are a speech in the West German Bundestag by Frau Dr. Rehling, March 12, 1952, and a Collier's article dated September 20, 1952.

THE CHAIRMAN. Do you think they are both good sources? I don't know—for this subject.

MR. FINUCANE. Frau Dr. Rehling indicates in her speech, a copy of which is attached to the memorandum I have given you, that she consulted reliable sources.

THE CHAIRMAN. That's hearsay twice removed.

Commissioner O'GRADY. I question whether they have any reliable sources on that question.

MR. FINUCANE. I don't know exactly how accurate it is. Part of the proposal which I hope to make before I get to the bottom of this page of my prepared statement is that something be done about finding out who they are; and these, of course, can only be estimates.

(Continuation of reading of prepared statement by Mr. James Finucane:)

A breakdown shows 70,000 illegitimate children of GI fathers in England, 94,000 in western Germany, and a number variously estimated at 5,000 to 200,000 in Japan—which shows the variation in possible estimates. The German figure includes, within the 94,000, a certain uncalculated percentage of French or British paternity.

THE CHAIRMAN. They charge them all to the United States?

MR. FINUCANE. Dr. Rehling, I read in the paper, had made a speech on this subject, and I wrote to her and asked her what she said, and she sent a copy of her speech, and in her speech she said 94,000 Americans; and in an accompanying letter she said she wanted to make this clear: that some of these were children of some of our allies.

THE CHAIRMAN. Why should we be charged with them?

MR. FINUCANE. We shouldn't be. [Continuing reading:]

A United States Commission should be set up to examine into the records of every one of these cases, and, where the evidence supplied by the mother or an admission by the father warrants belief in American paternity, the child should be granted American citizenship. This could be done by legislation terming the children passed by these boards as "legitimated" for the purposes of our immigration law.

In addition, Government support should be given to projects, some of which are already started under church sponsorship, for the adoption of some of these children by American families.

THE CHAIRMAN. Thank you, Mr. Finucane.

The speech you submitted of Frau Dr. Rehling will be inserted in the record.

(The speech referred to is as follows:)

THE PROBLEM OF THE GIs' ILLEGITIMATE CHILDREN IN GERMANY

(Translation of speech made by Bundestag member Frau Dr. Rehling to the Bundestag on March 12, 1952)

Mr. Speaker, ladies, and gentlemen, we have gathered from the report of the Foreign Affairs Committee that there exists a discrepancy between the law for the illegitimate child in Germany and in the native lands of the occupation members, and that this discrepancy renders impossible, at present, the realization of legal claims for the establishing of fatherhood and for maintenance payments. We cannot escape the fact that the mentality of the American and also of the English people regarding illegitimate children is different from ours. We may deplore this fact, but we cannot thereby change it.

We have been told that in most of the States of America the question of the legal claims of illegitimate children is very unsatisfactorily settled. This may explain the generally unfavorable attitude of American occupation members as regards the children whom they have left behind in Germany. It does happen repeatedly that occupation members voluntarily acknowledge their fatherhood. For this, it is, moreover unnecessary for the Americans to obtain authorization from HICOG. But this voluntary recognition does not open the way to legal claims. From time to time, there is the case where the mother of a child still maintains a personal connection with its father or corresponds with him. But the number of these cases is extraordinarily small and practically of no importance. In most cases the fathers are not interested in and do not provide for their illegitimate children. Even during their period of service in Germany, it is difficult to establish their place of residence. When they have returned to their native land after completing their period of service, it is almost impossible to find out where they live.

In this connection it is of interest to us to find out how the difficulties are dealt with in other countries where foreign occupation troops are also stationed, and in particular whether perhaps in Britain or France legal claims can be asserted against American soldiers stationed in those countries.

In Britain there are about 70,000 such illegitimate children whose fathers are American soldiers. One would be inclined to assume that binding agreements guaranteeing a legal claim would exist between the two Anglo-Saxon powers. This is, however, not the case. Mothers of illegitimate children in Britain may apply to a welfare organization in London; the latter directs the case to the corresponding welfare organization in New York, which in turn passes it on to a municipal organization, so that an attempt can be made from there to bring a certain moral pressure to bear on the father of the child.

A similar state of affairs exists in France. We can infer from this that there is no discrimination against German mothers of illegitimate children. I also know that this problem has not yet been discussed within NATO. Our rapporteur has pointed out that it is the Americans who have taken the initiative in causing UNO to investigate the possibility of a universally applicable convention.

During the time when it was not possible to do anything for these children under the law, we have, of course, spared no efforts in trying to help them. And so it is that an attempt has been made by the most widely differing organizations in our country through foreign religious bodies, children's welfare organizations, foreign youth-welfare organizations, women's organizations, and the like, to establish legal claims for illegitimate occupation children. Up to now we have achieved no material results. But I think that the women's organizations in particular should be asked to intervene more forcefully, as the protection of the child is universally the most fundamental sphere of woman.

According to data available in the German Federal Ministry of the Interior, we have at present 94,000 illegitimate occupation children in the West German Federal Republic. The year 1946 shows the highest number of births; this number was on the decline till the middle of 1951 and is now slowly rising again in districts where American garrisons are stationed: Wiesbaden, Munich, and Mannheim. I should like also to take this opportunity of referring to the fact—our rapporteur has already indicated it—of how greatly the number of illegitimate occupation children would increase if occupation troops were to come to Germany in such great numbers as Dr. Schumacher called for in a conversation with the High Commissioner Mr. McCloy.

The burden caused by the payment of maintenance allowances by welfare associations is considerable. According to investigations made in a limited area, 265,034 deutschemarks have to be paid each month for 32,108 children by separate welfare associations.

The 3,093 Negro half-castes form a special group among the occupation children, and represent a human and racial problem of a special kind. 1,941 of these are cared for by their mothers, 388 by the families of the mothers, 450 by foster families, and 314 by homes. 350 are growing up without any family ties. In the case of the children lodged in homes or foster families, in 363 instances the mothers still take an interest in their children. Altogether, 362 colored fathers continue to take an interest in the condition of their children; of these, 292 are within German Federal territory; 68 support their children from abroad; 20 negroes are known to have found refuge in France on completing their military service and there to have married the German girls or women.

The authorities responsible for voluntary and official youth welfare have, for years now, been concerned with the fate of these half-caste children for whom, to begin with, the climatic conditions alone in our country are unsuitable. Consideration has been given to the possibility as to whether it would not be better for them to be taken to their father's native country. It was also once announced in German newspapers that there was the possibility of providing for half-caste children of Moroccan extraction in families or homes in France or North Africa. On making inquiry, the German Caritas Association received information from the competent foreign agencies that there is still no official way of caring for children in the above-mentioned manner. The Catholic missionaries, active in north Africa, who also maintain orphanages, are against the "delivering" of half-caste children to north Africa. I should like, with the Speaker's permission, to read a few sentences from their letters as follows:

"The lot of half-caste children causes us concern because they are looked down upon by Europeans and by blacks alike. The divided nature of the life of a half-caste among Europeans and negroes cannot be denied. The half-caste rebels against the barb of contempt. A proportion of the half-castes, who approximate to the European mode of life, have deteriorated morally; their social position has weakened, and their characters are unstable. Yet, another group of them have gone native; they have intermarried and lead their own form of family life."

The concluding sentence is as follows: "The best solution still is for the white parent to keep and rear the half-caste child."

As far as I know, there has been success only in one single case of a half-caste's finding a home in Casablanca through the intermediary of the Paris Red Cross. In the other mission fields in America and Africa a similar state of affairs exists.

This question of half-castes will thus remain an internal problem for Germany, for which there is no simple solution. We must direct the attention of the German public to this question, as the half-castes born in 1946 are due to start school at Easter 1952.

With the starting of school-life there begins for half-caste children not only a new phase of life, as is the case for other children starting school, but they enter a new orbit and leave the relatively sheltered existence which they have enjoyed up to then. They attract attention by their color. With some, temperamental difficulties also reveal themselves. Anyone who has anything to do with children knows that they can be very intolerant of anything which is at all unusual. This provides a special task for parents, teachers, and all of us.

In the Basic Law we acknowledge the human rights. In the Council of Europe we agreed to the Convention on Human Rights, which is in conformity with the UNO Convention on Human Rights. Let us strive, therefore, to grant half-castes in Germany not only legal but human equality. I feel that we have perhaps an opportunity here to cancel a part of the guilt which National Socialism laid on the German people by its racial arrogance.

Commissioner HARRISON. May I ask you one question? In your prepared statement you mentioned those two additional considerations in connection with the quota, and I quote: "These other claims would be based on (1) the size of the population of the country from which the intending immigrant comes; and (2) its need for"—I guess that should be "emigration"?

Mr. FINUCANE. Yes; it should be "emigration."

Commissioner O'GRADY. Do you think we should encourage skilled people to emigrate from countries where their skills are needed, as for example, Italy or Western Germany?

Mr. FINUCANE. The last thing in the world. Monsignor O'Grady, that I think we should do. I think countries such as that, need all the young, able-bodied people to maintain the overaged segment and the underaged segment of their population.

Commissioner O'GRADY. Do you think there is any agreement in Western Germany as to the number it is thought should emigrate and be resettled?

Mr. FINUCANE. Our information is from contact through people who have been working in this field in Germany that the German Government doesn't desire to promote emigration, with the exception of a few farmers who can't be absorbed in their farming capacities in the German economy. They would also like, but they consider it impossible to do it, to promote the emigration of a number of typical families something along the order of a widow with six children.

The CHAIRMAN. Might that not be unfair to the taxpayers here, if permitted?

Mr. FINUCANE. You see, the thing is we want young, single, able-bodied people; they want them, too.

Commissioner O'GRADY. I have discussed this problem at great length, with Germans also, but I am still not clear about it as to how many of the young people want to emigrate. What is your opinion?

Mr. FINUCANE. Monsignor O'Grady, I think there is a conflict in the desires of the Government and the desires of a number of individuals. I think there are a good many, probably several hundred thousand young people in Germany who would like to emigrate to the United States, but their Government doesn't want to encourage them. And I think their Government has a legitimate interest—it should be respected—in conserving their population for whatever good it can be.

Commissioner O'GRADY. Then should that not affect the question of number considered desirable to emigrate?

Mr. FINUCANE. Yes; I think that the question of overpopulation in Western Europe in relationship to the need for young men there and young women is greatly exaggerated. They don't have a surplus of people in relationship to the economic burdens that they have to perform to support their aged and their very young.

Mr. ROSENFELD. Is this all of Europe?

Mr. FINUCANE. I believe the picture is the same for Italy, too.

Commissioner O'GRADY. What you say about stabilization may be true in north Italy, but in south Italy I would question if it isn't very problematic at the present time, also perhaps Greece.

Mr. FINUCANE. Monsignor, we 100-percent support the position that the economies of these countries must be built up. That is one of the best things that can be done to solve the migration question, is to strengthen the economies where the people are now, and in some cases we could do it only by removing some of the artificial restrictions on their trades and by investing money there so that they can have a capital base with which to employ their human resources.

The CHAIRMAN. Are you talking about Western Germany?

Mr. FINUCANE. Yes.

Mr. ROSENFELD. Mr. Finucane, in light of your observations in your prepared statement on the situation in Germany, what number do you

think would be appropriate to your suggestion that, and I quote, "Another group in Germany, the portion of the expellees who, because of their farm background, cannot be satisfactorily assimilated in a land-short country, should be given special opportunities to emigrate." What number would you suggest the Commission bear in mind in that connection?

Mr. FINUCANE. I think the number that was brought up last year, 300,000 a year over 3 years, would be a good figure.

The CHAIRMAN. But didn't you say you think that Germany can't absorb them, all the expellees and the people who are there, and that the Government doesn't want the young people to go?

Mr. FINUCANE. Yes; the question of absorbing involves the happiness of the persons who are involved. Where they can be absorbed with full employment of their highest skills or satisfactory employment of one of their highest skills, it is all right all around, but when you have people who are accustomed from the earliest days to living on a farm, conducting the affairs of a farm, and if you assimilate them in a mass-production industry, it causes a great deal of unhappiness. And I don't think the German Government policy in a case like that should be allowed to have precedence over the wishes, very natural and normal wishes, of the individual. And, incidentally, I understand that it is the policy of the German Government, from the information we have gotten, not to oppose the wishes of those persons who wish to emigrate, but just not to encourage it.

The CHAIRMAN. Thank you very much, sir.

Is Mr. Mikolajczyk here?

STATEMENT OF HON. STANISLAW MIKOLAJCZYK, PRESIDENT INTERNATIONAL PEASANT'S UNION

Mr. MIKOLAJCZYK. I am Stanislaw Mikolajczyk, president of the International Peasant's Union, 1402 Delafield Place NW., Washington, D. C. I am accompanied by Dr. G. M. Dimitrov, our secretary general.

The CHAIRMAN. You may proceed.

Mr. MIKOLAJCZYK. The International Peasant's Union includes representatives of Siberia and from all countries behind the iron curtain, Estonia, Latvia, Lithuania, Poland, Hungary, Bulgaria, Yugoslavia, Czechoslovakia, and Rumania.

With your permission I should like to submit a prepared statement for the record and then make some remarks.

The CHAIRMAN. You may do so.

(There follows the prepared statement submitted by the Honorable Stanislaw Mikolajczyk, president of the International Peasant's Union:)

MEMORANDUM ON DISPLACED PERSONS AND REFUGEES

During the Second World War our countries were under Hitler occupation. Millions of our countrymen were deported and lodged in concentration camps for slave labor or, because of resisting Hitlerism and fascism, were forced to flee their native lands and seek asylum abroad.

After the war, because of the Soviet aggression and political conspiracy, our countries fell under the rule of terroristic Communist dictatorships. The result was that most of our countrymen could not return to their native lands, and that even now those who found themselves there are being compelled to escape Communist terror by seeking refuge in the countries of the free world.

The grave problem of the refugees—due to IRO assistance and emigration to the United States, Great Britain, France, Canada, and Australia—has been solved to a considerable degree. We are grateful to the United States for the financial assistance afforded to IRO, and for the Displaced Persons Act which enabled so many of our countrymen to find refuge in free America and begin life anew. We entertain no doubts that they are worthy additions to their brothers who came to this country earlier as immigrants and are now making their contributions to the welfare and power of the United States. Thus we are confident that, through their industry, the United States will recover several times the amount spent to bring these worthy people here.

However, there remain comparatively considerable numbers of people who, although qualified under the DP Act, were prevented from coming to the United States either because of the lapse of time or of quota restrictions. The lot of those who have lost their health in the fight against Fascist and Communist totalitarianisms or in concentration camps is even worse—they have not only found the door for emigration from Europe closed but have even been deprived of legally valid assistance on the part of the nations responsible for their deportation and loss of health.

It is hardly possible to describe the personal and family tragedies occurring when one member is accorded the right to emigrate to the United States or elsewhere, or relatives are ready to underwrite his support when he arrives there, while another member of the same family remains deprived of care, his health is steadily deteriorating and is thus doomed to perish.

Under the present circumstances—the immigration quotas of our countries having been exhausted well in advance—the pressing need is to increase the quotas and prolong the validity of the DP Act in order to effect the emigration of the DP's who were qualified and registered under the law, as well as liberalize the provisions of the law for those who have lost their health in the struggle and were thus deprived of its benefits, even though other members of their families had benefited from it, and for those who, despite ill health, have secured individuals or institutions to underwrite their support.

It would be inhuman to disqualify or doom a man to perdition merely because he has lost his health in the struggle against totalitarian aggression, and who possesses other qualifications which should even earn for him priority from the political point of view. Already some European countries (Sweden, Norway, and Switzerland) have accorded legal recognition to such cases and are rendering assistance to people so affected.

The situation of the political refugees from behind the iron curtain, fleeing the bloody Communist regimes, is undoubtedly the worst. Yet among them there are often people of high scientific attainments and technical qualifications.

There are among them also some plain people—peasants, workers, craftsmen, and traders—who have distinguished themselves in the mass resistance of their peoples and were therefore threatened with liquidation. There are among them also people who, listening to the free Voice of America and Radio Free Europe, could no longer endure the totalitarian regimes and the intolerable atmosphere of lies and repression, and therefore have sought that of freedom and democracy.

There are among them people who did not want to be used as cannon fodder for the purposes of Soviet aggression, to serve under the command of Soviet generals, escaping to the West in the hope that, in case of a Soviet armed attack, they may serve the cause of freedom and fight under their national banners for the independence of their own countries.

There are among them people who left their countries in order to get in touch or join their political leaders in exile. There are among them people who had to leave their countries because of sympathies, friendships, or contacts with representatives of the Western democracies.

Naturally, there may be among them a few special Communist agents, as there are native agents among the citizens of any free country, but the weeding out of such individuals cannot justify the cutting off of the categories enumerated above which comprise the nameless fighters of the cold war who, resisting with their peoples communism and the sovietization of their countries, are making immediate Soviet aggression against Western Europe impossible. Moreover, in a great measure, future developments will depend on the attitude of their brothers and on the morale as well as endurance of their peoples.

We dare say that not only the burden of the cold war being borne by the American Nation but also the losses of American soldiers in case of another conflict would to a considerable extent depend on the attitude of the peoples behind the iron curtain.

Very often each of the political refugees has left country, family, and all that is most precious to man, has risked his life in order to reach the free world, only to experience the shock of endless interrogations by the police and the counterintelligence services of the various governments. After satisfying the curiosity of western newspapermen, he finally finds himself herded in a camp or left on the street, not only without any means of subsistence but even without any right to migrate further west—especially to the United States in whose power and leadership as well as repeatedly proclaimed democratic and humanitarian principles he and his brothers have so firmly believed.

There were some who, depressed by the reception accorded them, went back in the face of certain death, informing their friends of their discouragement and loss of faith in the truthfulness of the radio networks in relation to democratic principles.

There are even prominent political leaders who, escaping from behind the iron curtain, came to the United States for the purposes of collaboration and now find themselves in a state of constant uncertainty and in fear of deportation. If the news of their fate and the ineffectiveness of their efforts should reach their own peoples, it would not only afford excellent material to the Communist propaganda and destroy the value of the free appeals to their peoples, but also would undermine the belief of their followers in the good faith of the democratic world.

There are those who escaped the consequences of deportation by committing suicide and others who, being unable to find any other way, entered the United States illegally, joined the American Army, went to fight in Korea, and now are being brought back in order to be deported from here.

Practically all of these unfortunate people ask for one thing only—that their families and friends back home be not informed about their experience with and cruel fate in the democratic world.

The countries immediately adjacent to the iron curtain are in a peculiar position. They are in immediate danger of pressure being brought to bear by the powerful Soviet neighbor. Moreover, they have political and economic difficulties of their own to deal with. In relation to the admittance of and assistance afforded to refugees they are under constant pressure. If they decline to submit to pressure and grant asylum to political refugees, then for a long time the burden should not be left on their shoulders alone, especially when one considers how much better situated in this respect is the United States. In addition, the Germans have political refugees of their own and the danger is that, according preference to their own, they may discriminate against refugees of other nationalities.

After the collaboration between the Tito regime and the democracies became known, the opinion prevailed that political refugees could make their way to freedom through Yugoslavia but they soon discovered that they had fled the clutches of one Communist regime only to fall in the hands of another. Insofar as the right to enter the United States is concerned the situation of such refugees is absolutely hopeless.

The DP Act no longer exists. Moreover, it made no provision for refugees from 1949 on. The immigration quotas of the countries of Central-Eastern Europe stand exhausted for years ahead. Even in the course of the cold war there has been discrimination against the victims of communism coming from these countries, while the immigration quotas of the European nations that are not under Communist rule have not been used adequately for years. The result is that, not increasing the quotas, the United States has closed the door to all political refugees from these countries. It would be illogical to accord preference to citizens of Western European countries and ignore the refugees from behind the iron curtain, therefore priority should be accorded to the victims of communism.

There is also the special case of political refugees who are active in the anti-Communist organizations such as the International Peasant Union or the various national committees. Let alone the problem of the immigration quotas, any political refugee who wants to come to the United States for such purposes and declares that he does not intend to become an American citizen but merely wishes to remain in the United States only as long as his country is occupied by the Soviet Union and ruled by Moscow agents, would not be admitted. If he is already in the United States without an immigration visa, he is exposed to the threat of deportation.

Even in the course of IRO activities, the United States issued no passports to refugees in the manner the other countries associated with IRO activities did. Such a passport did not grant to the political refugee the right to acquire citi-

zenship but it did grant him the right of residence so he could travel to other countries and return to the country that had issued him the passport.

A law regulating the right of asylum—which would grant to political refugees the right of residence in the United States for the purpose of participating in the activities of international and national anti-Communist organization—activities which often impose travel abroad—is urgently needed.

Communism is active on a worldwide scale. Moreover, in relation to the free world, some of the agencies of the United Nations are located in Europe. The political refugees of a given country are admitted to the United States, Europe, Africa, Asia, or Australia, but their political leaders are denied the possibility of constructive political activity.

Finally, there is a small but painful problem that in many cases where application has been filed and grounds exist that a visa be granted, it is enough for someone to make a false accusation or baseless suspicion be aroused, and the political refugee would be condemned without trial. At best his case will proceed no further. It often happens that some Communists—who are familiar with the effectiveness of false accusations and who are seeking revenge on political refugees for their anti-Communist activities—make such accusations themselves. Thus a man who has believed firmly that he could be condemned without trial only in a country ruled by Communists find out that in the West—after all his sufferings at the hands of the Communists—sometimes an ordinary false accusation or baseless suspicion deprives him of the right to live and work as a free man.

Since the fight against the Communist danger to the whole world is our common interest:

Since to a great extent the morale and attitude of our peoples depend on the progress or decline of communism:

In the period of the cold war the political refugee, active participant and a victim of this cold war, needs assistance and sanctuary where, forced to withdraw from the field of the fight, he could continue his constructive work. Therefore, there is an urgent need for the adjustment of both old and new laws of the United States so that the situation of political refugees be taken into consideration and a positive solution found.

Accordingly, we urge the Presidential Commission on Immigration and Naturalization to submit to the President of the United States for eventual submission to the Congress of the United States the following requirements:

1. Increase of the immigration quotas and extension of the validity of the DP Act in such a manner that the persons who have already registered and have qualified under the DP Act to emigrate to the United States could do so at present.

2. Liberalization of the laws so that, in cases of favorable political qualifications, reasons of health are not allowed to deprive the refugee of the right to obtain American visa, especially in cases where families would be divided or affidavits are procurable.

3. Enactment of a special law increasing the immigration quotas for the captive countries so that anti-Communist and anti-Fascist democratically minded political refugees, regardless of the time of escape, could be accorded priority and come to the United States.

4. Enactment of a law of asylum for political refugees who, having been forced to flee their countries, continue the fight for liberation from the yoke of Communist dictatorship and for democratic reconstitution, intending eventually to return to their own countries. The grant of political asylum should include the right work and travel abroad.

5. Change of the law concerning foreigners in the American Armed Forces so that, as during the last war, they be accorded the rights of citizenship and, in the light of international regulations, they be not exposed to a treatment which differs from that accorded to American citizens.

6. Establishment of an institution of judicial appeal so that, in cases of false accusations or suspicion, political refugees be not condemned in their absence and be accorded the right to defend themselves.

THE INTERNATIONAL PEASANT UNION,
STANISLAW MIKOLAJCZYK, *President*,
DR. GEORGE M. DIMITROV, *Secretary General*.

WASHINGTON, D. C., October 1952.

Mr. MIKOLAJCZYK. Mr. Chairman, distinguished members of the Commission.

I would like to comment very shortly. We have sometimes examples which are taken from life. If you would allow me, I would quote some few of the examples which illustrate some of these points which we mentioned.

We emphasize the case of the right for political asylum. We pray for the leadership for wisdom in the great responsibilities of the United States. We appreciate the right to be United States citizens, but there are people behind the iron curtain who expose themselves in the fight, sometimes being encouraged. They have to leave their own country. It is not an easy decision to leave everything behind, family, go through and finally arrive on the other side. Here they are met with arrest, which is a very natural thing, even in the first days by the authorities of the respective countries, and then they are investigated by security agencies, by newspapermen, but after that the man is completely left without any rights of the free, the right to work, to work further for the liberation of their own countries. And therefore, we would like to stress the necessity also for the United States, if it is possible, to provide such a right of political asylum.

There are only two ways to come to the United States, either as a visitor—now, as a visitor, even during the IRO the United States paying for the IRO, helping through the IRO, refugees have never been given such a passport document like the other members of IRO European so the men could travel and could still assist political work.

Now, the other way is considered only as application for American citizenship, and certainly it meets very often with opposition from American citizens. But here there are many cases where from one side the people are resisting, they are fighting, they are still hoping for the day of liberation. They are listening to the Voice of America and Radio Free Europe. There is a radio station, and then when they come, sometimes escape and manage to escape, then there is no way for them, they are really doomed. And they would appreciate very much and they would understand and fight against communism in the United States, against communism in every place, if there would be a possibility for them also to get political asylum during the stay and hope that one day they would be able to return to their own country.

But what has happened sometimes? Here I have a member of the International Peasant's Union, Stanislaw Banczyk, the vice chairman of the Polish Peasant's Party. He was fighting in Poland communism. He was a member of the Parliament. He was through the fight in 1947. He didn't give in when the Communists threatened to kill him, as did his close friend, general secretary of the party, Mr. Seiborek. Finally he managed to escape, after very hard decision, through Sweden, arriving here as a visitor. In the meantime, United States was so generous to extend the displaced-persons law so escaping before January 1949, arriving here before March 1949 in this country. He was so happy in this country, a child has been born, a young daughter, which is in this way American. Now, from this time he tried to adjust, and here on October 24, 1952, there is a letter to him: From the Immigration and Naturalization Service, and I quote:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, October 24, 1952.

Mr. and Mrs. STANISLAW BANCZYK, and son, ANDRZEJ BANCZYK,

Cherry Chase, Md.

Reference is made to your applications for adjustment of status under section 4 of the Displaced Persons Act. As you know, section 4 (a) of the Displaced Persons Act of 1948, as amended, provides: "If prior to the end of the session of Congress next following the session at which a case is reported, the Congress does not pass such resolution, the Attorney General shall thereupon deport such alien in the manner provided by law." Since the Congress has not passed such resolution in your cases, you are being granted a period of 60 days or until on or before December 23, 1952, within which to depart voluntarily from the United States, without the institution of deportation proceedings.

Yours very truly,

ROBERT L. WOTYCH, *Officer in Charge.*

Mr. MIKOLAJCZYK. Now, what has happened? When this man managed to escape from Poland, a trial has been staged. The Communists couldn't get him, so they got his brother, and the Communist prosecutor in Warsaw, in December 1951, said, and I quote an excerpt from the prosecutor's speech in the trial of Piotr Banczyk, brother of Stanislaw Banczyk, as reported in the Communist People's Tribune, No. 7, of December 4, 1951:

* * * after the liberation Stanislaw Banczyk, together with the traitors and agents of foreign intelligence services—Mikolajczyk and Korbonski—conducted criminal and antinational activity, as one of the leaders of Makolajczyk's Polish Peasant Party, supporting the crimes plotted by the Anglo-American intelligence of the Fascist gangs. Together with Makolajczyk and other traitors Stanislaw Banczyk took the stand against the Polish Regained Territories. Today, the same Banczyk, together with other enemies of the nation forming the "green international," together with Adenauer, with former Hitlerite generals, under the protectorate of Truman, Churchill, and Eisenhower, continues to plot against his own nation and supports the forces threatening the independence and sovereignty of the Polish Nation.

And so there is a sentence issued, and I quote an excerpt from the Communist newspaper Swiat (The World):

The provincial court in Warsaw issued a sentence on Piotr Banczyk. This sentence is also a sentence on Stanislaw Banczyk * * * and wherever he will find himself he will be pursued by the truth revealed in this trial and reflected in the irrevocable and just punishment.

Now, gentlemen you see the situation. Where can the man go? He would have to leave the small, 2-year-old daughter. She is American citizen, born in the meantime. And there, as the prosecutor said, Piotr Banczyk is sentenced to death for his brother, because they cannot get the other one who managed to escape.

I would like to draw the attention of the Commission to the other important event; namely, in all the countries behind the iron curtain they have produced the Communist Soviet Party constitution, but what is very interesting, in all of these countries in this constitution, and for example in the Polish People's Republic, this article appears, and I quote article 75 of the New Constitution of the Polish People's Republic:

The Polish People's Republic grants asylum to foreign citizens persecuted for the defense of the interests of the working masses, for the struggle for social progress, for activity in the defense of peace, for national and liberation struggle, or for scientific activity.

It is included in the constitutions behind the iron curtain. We know what it means, and the man sometimes working against communism, going there, he will go for asylum but will get asylum in the concentration camp. But here it is the political propaganda. It is the political propaganda of the people against the situation where the fighters for freedom and against Communists are meeting on the other side when they escape.

Certainly, I cannot defend old cases, but here today in the morning I have read in the newspaper that Marshal Kesselring has been released in Germany, some other Nazi generals have been released. Here I have the story of a man who is a victim. Being a Pole, he has been compulsorily drafted, living in Silesia, into the German Army. It wasn't right for him not to tell this country when he was coming in. On May 19, 1949, he came to this country. He should say that. I don't defend his case, but is it just that this man and his wife—his wife has been released only in December 1951, with a small child—and this man has got the order now in October to be deported, and he is in prison from May 1949 till today and will be deported. He is the victim without a court, without a decision, without the right to defend himself. He will be deported for seeking asylum, but let us not forget, after all, they have been sentenced, the German generals.

The CHAIRMAN. Wasn't it stated in the paper that Kesselring had cancer?

Mr. MIKOLAJCZYK. I have seen it today. It may be, I don't say. I could mention other generals in this case.

The CHAIRMAN. We have nothing to do with that, you know. It is all very interesting, but we are just dealing with recommendations you wish to make regarding our immigration laws, and it won't help us to discuss what is done abroad in these other matters. We have nothing to do with it.

Mr. MIKOLAJCZYK. I say that is a question of immigration, because it is in Ellis Island this man is sitting.

There is another case which has been published of a young boy who escaped and joined the American Army. He has been now recalled from Korea because he will be deported. I am quoting this example not for accusation of somebody, I am quoting it to emphasize that in the same moment when the Communists are emphasizing political asylum from the other side, if the man fighting exposing them is coming to the free country, he is so disillusioned. And therefore I emphasize so strongly the question of the provision for political asylum, too.

The other thing I would like to emphasize is question No. 5, the question of the foreigners in the American Army. During the war a man could join the American Army and it is already application for American citizenship. Today, being a displaced person, he has to join the American Army. But the question is from the point of the international law, if this man has the disaster to be caught alive, as a prisoner of war he will not get, under Europe's international law, the protection as the American soldier.

Sometimes, as we know, in Korea no law protects from the murder of prisoners of war, but nevertheless, we can meet a situation when we will have in the countries behind the iron curtain people who will

be caught in one of the other fronts in Korea or somewhere else and will be presented and hanged in the street of their native countries. And therefore we draw your attention to this special case as a very important one. Thank you very much.

**STATEMENT OF G. M. DIMITROV, SECRETARY GENERAL,
INTERNATIONAL PEASANT'S UNION**

MR. DIMITROV. If I am allowed just to say two words, our main aim is to present to you, as the President says in his letter, the serious question about escapees and refugees. The American interest provides, first, security and, second, honesty of this man who is coming in this country from the point of view of the American interest. And, of course, the big question is how to check on everyone who is coming here being an escapee or refugee, because sometimes, as we had many cases here in this country, when they have to decide on the case of an escapee who enters the country, they are asking, for instance, documents for being an honest man, which documents he has to get from the Communist legations. Everybody could demand this certificate, but what value will it have for you, for us, but this is the formality. I think they have a right to ask, to check, but why not, for instance, create a special body which will deal with this question and check, for instance, through refugee organizations or exile organizations which are well known to the Government of the United States and, I would say, through the political part of the Government, as the State Department is, because I wouldn't trust very much only the police line of getting information or agencies which are interested in special activities, because that is exactly why the most doubtful are the first to go and present themselves even under false names, and I am sure there are many of them, and this way mislead not only the agencies, but the whole country, entering here and then creating situations which reflect to the millions of immigrants or hundreds of thousands.

Now, we had many cases when totalitarians—I don't want to use their names, but totalitarian prime ministers, but Ribbentrop's puppet governments which have been created in Vienna, the Minister of War of that government was in this country, stayed 6 months, the totalitarian Prime Minister was here, stayed and then went back, and members of the Bulgarian National Committee, for instance, which is the leadership of the resistance, anti-Communist movement, cannot come in this country. As they say, it is sometimes for security reasons.

If we have a check through the right channels, not check through somebody who by chance could give information on his own, but a responsible body, this way you will check in the right way on the other side. America has the whole interest to have somebody give the guaranty and even sign for these fellows who are coming here. And if they address them, for instance, to the officially recognized exile bodies and national committees as international organizations and set-ups which they know, and even they are in one way or another sponsoring, I think the guaranty is at least more than 50 percent sure, and on the other side the information you will get through these channels will be at least more than 50 percent sure. That is the main point which we want to stress before you to keep in mind when you are making your propositions.

The CHAIRMAN. Thank you very much.

Is Mr. Cahill here?

STATEMENT OF WILLIAM J. CAHILL, COUNSEL FOR UNITED FRIENDS OF NEEDY AND DISPLACED PEOPLE OF YUGOSLAVIA, INC.

Mr. CAHILL. I am William J. Cahill, counsel for the United Friends of Needy and Displaced Persons of Yugoslavia, Inc., 487 Underwood Avenue, Brooklyn, N. Y.

With your permission, I shall read a prepared statement.

The CHAIRMAN. We shall be pleased to hear it.

Mr. CAHILL. Mr. Chairman and members of the President's Commission on Immigration and Naturalization, at the outset, I should like to convey to the distinguished members of this Commission my sincere appreciation of its invitation to testify at this hearing. I think I would be remiss of my duty were I to neglect to state my views which are the result of the experience of our members since the date of our organization on May 6, 1946.

United Friends of Needy and Displaced People of Yugoslavia, Inc., was formed on the above date for the purpose of furnishing voluntary aid and shelter to the needy and displaced people of Yugoslavia. Its membership, with almost no exceptions, is composed of American citizens who had themselves migrated some time in the past from the northern portion of Yugoslavia, from the regions known as Backa, Banat, and Srem, otherwise known as Vojvodina, or had relatives or friends there at the outbreak of the Second World War. This section of Yugoslavia was formerly a portion of Hungary prior to the First World War, and subsequent to the end of that conflict was made a portion of Yugoslavia. Its inhabitants were of German ethnic origin, and it is with this group of people, commonly termed "expellees," that we have been primarily concerned, and to assist in whose immigration were duly accredited by the Displaced Persons Commission.

I might add in further extension of my remarks that our organization is a small organization, composed at the most of some 600 members, most of them in the Brooklyn and Queens section of Ridgewood, in New York. In addition to that, we have various connections amongst the sport and soccer clubs throughout the country, a lot of our members belonging to some of the soccer clubs who have been active in the promotion of soccer football in this country. Also, when we made our application for accreditation by the Advisory Committee on Voluntary Foreign Air and the Displaced Persons Committee we stated our reason for becoming an accredited agency was, in the language and the customs of the expellees we could be of some assistance in the program.

I might say that I personally became associated with this organization because I was president of the local civic association in the neighborhood where these people have their office. Prior to May 6, 1946, I was asked to become their counsel, to form their organization, and am still acting as such.

It is with this group that I shall limit my remarks, although I have no doubt that the facts concerning the plight of the expellees are already a matter of record with this Commission.

Although the expellee problem involved variously estimated numbers of uprooted peoples from 10,000,000 to 14,000,000 thrown suddenly upon the economy of Germany and Austria, and has been recognized as a grave social, economic, and political emergency in which

the United States is vitally concerned, the problem of implementing the immigration of some of this group to America, to enjoy with us the advantages of loyal American citizenship, proved to be most difficult, a fact that I am sure both the Department of State and the Displaced Persons Commission will confirm.

To begin with, the constitution of IRO specifically stated that persons of German ethnic origin were not its concern. When we commenced our efforts to assist them to come to this country—that is, the expellees or expellees of German ethnic origin from Yugoslavia—we found that the relatives and friends of our members whom we wished to assist were classified as Volksdeutsche and later as German ethnic, and at first denied admittance to this country under the Presidential directive of December 22, 1945, dealing with the admission to this country of displaced people.

(I might say here that it was always the opinion of the members of this organization that Yugoslav nationals, even though of German ethnic origin, were entitled to classification as displaced persons under the Presidential directive of December 22, 1945, as (1) they had lost their homes in Yugoslavia and had been compelled to wander in strange lands as the result of events subsequent to the outbreak of the Second World War; and (2) they were not included in the terms of the Potsdam Declaration dealing with Volksdeutsche expellees from Poland, Czechoslovakia, and Hungary, and we filed a memorandum with the Department of State in support of this contention on October 28, 1947.)

Subsequent to the submission of this memorandum and on December 17, 1947, we received a reply from the Department of State stating that persons of German ethnic origin who were displaced persons of countries other than Germany and who otherwise qualified were eligible for visas as displaced persons, and, accordingly, many of our members forwarded affidavits abroad without success, although we kept in constant communication, in some cases even by telephone, with the consuls in Germany and Austria. After some time had elapsed and we had been notified that some of our people would be coming to this country shortly, the Displaced Persons Act of 1948 (Public Law No. 774, 80th Cong., ch. 647, 2d sess.) was passed authorizing the entry of 13,685 people of German ethnic origin born in Czechoslovakia, Hungary, Rumania, or Yugoslavia into this country each year for 2 years. This act required new registration by all immigrants applying thereunder, and all work done on cases previous to this registration was lost. Some of our members had already filed affidavits of support and were waiting for some time for their loved ones to come to this country. Under the act as passed in 1948 applicants were processed in the order of their registration, and if they had the necessary affidavits of support and fulfilled security requirements they were granted visas to come to this country. Progress under the 1948 act was necessarily slow due to the difficulties of setting up a proper definition of the term "German ethnic."

The necessity of going through the thousands of registrations by persons who had no affidavits of support or who could not be located when the time came for them to come to the consul's office for examination and the fact that a vast amount of work was thrown upon the already overtaxed staffs of the consulates. Despite these difficulties more than 10,000 visas were issued prior to the amendment of the Dis-

placed Persons Act in 1950 to persons of German ethnic origin. Many of our members were successful in bringing over their relatives or friends under the act as it read in 1948 and we are grateful for the cooperation extended to this organization by the Visa Division of the Department of State headed by Mr. Hervé J. L'Heureux.

The amendment of the Displaced Persons Act, while it increased the numbers of persons of German ethnic origin who could come into this country to 57,744 by July 1, 1952, provided that the fare of the immigrants would be paid by the Displaced Persons Commission, also involved an additional delay in the immigration of expellees, incidentally, I might add, a necessary delay because of the different procedure that was adopted, in that the old registration system under the Department of State was abandoned and it was now necessary for the sponsors to file an assurance of a home and a job for the prospective immigrant and the applications under the amendment of 1950 were processed in order of filing of assurances. Also, necessary delay was incurred, particularly in Germany in the setting up of the necessary reception camps for expellees for their processing and departure to the United States. Despite these difficulties the 57,774 visas were issued prior to the expiration of the act on July 1, 1952, which can be considered as a tribute to the combined efforts of the Department of State, the Displaced Persons Commission, and the great national relief agencies who bore the major portion of the burden in sponsoring the assurances of persons under this category.

The above facts are recited to demonstrate, that, because of the non-eligibility for visas which persons of German ethnic origin were at first burdened, and because of the different procedures under the two amendments, coupled with restrictions upon their immigration which have since been removed, it is possible that a deserving applicant and sponsor may have first filed for a visa to unite themselves in this country many years ago and are still waiting to do so, but, unluckily, were not picked among the 57,744 persons who came.

I might add that this may have also been due to their own oversights in that they waited for some time before filing assurances under the Displaced Persons Act when their affidavits of support were no longer valid under the first reading of the act.

United Friends of Needy and Displaced Persons of Yugoslavia, Inc., earnestly recommends to the attention of this Commission the plight of the 32,000 persons for whom assurances were in the expellee pipeline under the Displaced Persons Act, as amended, and who did not come to this country because no further visas were authorized.

We further recommend the adoption of legislation to allow a reasonable number of expellees to enter this country as America's contribution toward the further solution of this problem which is still most acute.

We also recommend that consideration be given to the adoption of legislation to allow a reasonable number of escapees and refugees from behind the iron curtain to come to this country.

It is a matter of record that included among the expellees are vast numbers of peoples possessing valuable skills. It is well to know that the expellee group includes a large number of skilled agriculturists of which there is a distinct shortage in the United States and we understand that ECA in the course of its studies of overpopulation in the western zones of Europe, has confirmed the existence of large numbers

of farmers among the expellees. This is particularly true of expellees from the Danube River Valley which is famed for its reputation as the bread basket of Europe.

We believe that immigration to the United States is a precious privilege and we are proud of the fact that no instances have come to our attention which indicate that the immigrants brought to this country by our members are unworthy of American citizenship.

It is our sincere belief that this country, as an important feature of its foreign policy, should extend its welcome to a reasonable number of these expellees and other refugees from communism to show these victims of persecution that America is interested in them and offers them a haven in their time of need, the realization of the hopes which they have had of living in a free world and enjoying the rights and privileges which this country extends to its citizens and residents.

Identically the same recommendations were made in the final report of the Displaced Persons Commission and in the President's message to Congress on March 24, 1952, recommending further emergency legislation to Congress.

The CHAIRMAN. Thank you.

Mr. CAHILL. I might add, gentlemen, that this statement was prepared very hurriedly, because of the fact that I had several things coming that I had to do all at the same time.

In order to show that these ideas that we have set forth and these recommendations are not new to us, I should just like to read from a memorandum which we submitted to the Department of State on October 28, 1947, in which we said:

The people in question are, as we have stated, Yugoslav nationals. They are descendants of persons who migrated from Germany to Hungary some 170 years ago, and settled in the regions known as Baeska, Banat, and Srem, otherwise known as "Vojvodina." Their reasons for leaving the country of their birth were similar to those which motivated the early settlers of our country, i. e., religious persecution, poor economic conditions, and political inequities. By their industry and agricultural skill, they and their descendants made the area in which they settled one of the most productive agricultural regions in Europe. They were and have largely remained farmers.

And then, again, we believe that those amongst this group who are qualified under our immigration laws would be distinct assets to this country.

The CHAIRMAN. Where are they now, most of them?

Mr. CAHILL. Most of them are in Germany and Austria. The people we are speaking about for immigration purposes are in Germany and Austria.

The CHAIRMAN. They were expelled?

Mr. CAHILL. Either expelled or they went away from the war front, or they were impressed into the Hungarian or German Armies. I quote further from our communication of October 28, 1947, to the State Department:

To the knowledge of members of our organization, most of whom came from the same region in Yugoslavia, these displaced persons are hard-working, skillful, industrious, and of good moral character. The majority of them are skilled agriculturists for whom there exists an immigration preference. The women are fastidious housekeepers and could qualify in every respect for domestic work. In our office, we already have numerous requests for domestic workers from substantial people in New York City who state that they desire to take some of these people as domestic workers and could guarantee them good homes and a fair wage.

We want to emphasize that these people—referring to these people from Yugoslavia of German ethnic origin—have, and are, suffering hardships which are comparable to those of others of the more unfortunate victims of the late war. Their plight has received attention in numerous newspapers and magazines throughout the United States and is undoubtedly known to the State Department. Prominent among these publications, I think, is the book by Miss Betty Baberton, of the American Friends Committee, called *Twelve Million Refugees in Western Europe*, but nowhere is there a better summation of their true situation than in the following statement of the Very Reverend Monsignor Edward E. Swanstrom, director of War Relief Services, National Catholic Welfare Conference, contained in the *Tablet* of May 3, 1947.

Monsignor Swanstrom says, and I quote:

The children I refer to come originally from the eastern countries of Europe, from Czechoslovakia, or from Silesia. Those who come from the eastern countries of Europe were the children of parents who often spoke a German dialect. Hundreds of years before, their ancestors had migrated from Germany and settled in Hungary, Rumania, Yugoslavia, or Poland. And now because of their heritage of German blood, they are loaded into cattle cars or thrown from their homes into the roads of Europe. Everything they own has been taken from them, and they come into destroyed Germany helpless, hopeless, and desperate.

This was long ago in 1947 that this statement appeared in the *Tablet*.

The CHAIRMAN. Of course, we are principally interested in conditions today, not then.

Mr. CAHILL. I agree with you, sir. My only reason for stating that is that the recommendations that we make at the present time are still the recommendations regarding these people, (1) that they are experienced farmers, and we believe that there exists in this country a shortage of farmers, and we therefore feel at the very least these 32,000 individuals in the expellee pipeline should be allowed to come to this country. I think it was at the Wilmington Conference of the National Conference of the Displaced Persons Commission when that question came up as to whether farmers were available. I think it was agreed at that time that in that study about the ECA it was found by the expellee group there were large numbers of farmers amongst them.

The CHAIRMAN. Thank you very much.

Mr. ROSENFELD. Mr. Chairman, there are certain documents that have been submitted or telegrams received for the record. One from Mr. Gardner Osborn, president of the American Coalition.

The CHAIRMAN. It may be inserted in the record.

(The telegram follows:)

STATEMENT SUBMITTED BY GARDNER OSBORN, PRESIDENT OF THE AMERICAN COALITION

NEW YORK, N. Y., October 28.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Executive Offices:

Replying to invitation to testify request insertion of this telegram in your records, as Hon. John Bond Trevor unable to appear. McCarran-Walter omnibus immigration and naturalization bill was endorsed unanimously at annual convention of the American Coalition at Mayflower Hotel, Washington, January 24, 1952, and coalition firmly believes this new law should be given a fair trial and only then amended as provided in the law itself. Thirty-one Republicans and 26 Democrats voted to override the President's veto of this bill, including Democratic Floor Leader Ernest McFarland. The American Coalition considers this a nonpartisan issue of national concern and wishes to go on record as disapproving of the plan for a President's Commission to report on this new law when in effect only 5 days.

GARDNER OSBORN,
President, American Coalition.

WASHINGTON, D. C.

MR. ROSENFELD. A statement from Dr. Bogumil Vosnjak, retired Minister Plenipotentiary from Yugoslavia, 1706 Twenty-first Street N.W., Washington, D. C.

THE CHAIRMAN. It may be incorporated in the record.
(The statement follows:)

STATEMENT SUBMITTED BY BOGUMIL VOSNJAK

I think that the problem of agricultural immigration ought to be the object of careful study of your Commission. How the immigrated farmers of Europe and the countries behind the iron curtain will settle in the United States, how they will behave as members of a social group and in what degree they will foster the economic goals of American agriculture, these are all questions which must be discussed. It is not enough to move the immigrant to America, to find him his first job and after to abandon him to his fate. A sound policy demands that a settler has to be carefully watched. The new country has the right and the duty to follow the immigrant in his economic activity.

It is useful to review very shortly the economic background of the immigrated agriculturist. The today satellite countries are described by fellow travelers in a distorted and falsified way as victims of reactionary and feudal rulers whose only goal was to exploit the land in the interest of the great landowners. We must mention the ideal country of the peasant, the poor man's paradise, old Serbia before the First World War. After the downfall of Turkish rule a century and a half ago no great landowner existed. Serbia was the first country in Europe to introduce homesteads. After liberation in 1918 the Eastern-European states realized a radical agrarian reform which destroyed immediately the consequences of Austro-Hungarian agrarian misrule. The small landowner of Eastern Europe is today the stoutest fighter against communism and eludes its final victory.

According to the official census taken before the war the agricultural population of Bulgaria was 81.8, of Albania 80, of Rumania 76.70, of Yugoslavia 76, of Lithuania 70, of Poland 60, of Estonia 56, of Hungary 53, and of Czechoslovakia 39.

We see that with the exception of the last highly industrialized country the today satellite countries were in 1945 agrarian and therefore it can be assumed that also the emigration has agrarian character. It was the will of the legislator in 1948 that 50 percent of the visas issued were to be made exclusively available to displaced persons who have been previously engaged in agricultural occupation and who would be so employed in the United States.

This preference of agricultural immigrants anticipated an economic situation which arose 3 years later. As the Secretary of Agriculture stated in 1951 there were 329,000 fewer farm workers than there had been in 1950, and 734,000 under 1949. It is indicated a further decrease of 200,000 to 300,000 under 1951.

To fill this gap the immigration of European agriculturists was welcomed. In the United States arrived since 1948 nearly 400,000 displaced persons: from these 25.2 percent declared their basic skill was farming; it means nearly 100,000. If we take in consideration that on the basis of figures given by the Secretary of Agriculture that the gap is not 100,000 but nearly 1,300,000, we must come to the conclusion that every measure which will open the door of the United States to agriculturists who wish to escape the congested agricultural areas of Europe has to be hailed. Especially Italy, which is so heavily pressed by a population surplus of most dangerous size. Is not the depletion of the seething agricultural countries of Europe and perhaps also of Asia a formidable weapon in the struggle against communism? These are prospects of appalling importance which will open the door to new colossal activities.

Unfortunately the efforts to settle European immigrants on the land and to adapt them to the exigencies of American rural life were until now not at all successful. The visit of some American agricultural district will give you a very negative picture. The sponsors of European farmers are full of complaints. It seems to be that the laudable intentions of the American legislator failed in many regards. American rural life is upset by the shortcomings connected with enthusiastic reception. "Abrupt departures, without notice, caused irritation and inconvenience to sponsors." (The DP Story, p. 226.¹) The DP's left the farms and became industrial workers.

¹The DP Story, final report of the United States Displaced Persons Commission, U. S. Government Printing Office, Washington, 1952.

Such a state of affairs is deplorable. But we have to find the reason for such a behavior of well-poised, conscientious people. We must never forget that those who immigrated as agriculturists were in Europe independent farmers operating their own land, accustomed to be their own masters. It was for them a paradox to be forced in the role of an agricultural worker, a position for him strange and inconceivable. He was accustomed to till his own land and not be subservient to anybody. We must find out the way out of this impasse.

The only way out is the family farm. The former East European farmer has to be settled on his own land, or he ought to have the chance to operate as tenant in the capacity of an independent farmer.

It is the Bankhead-Jones Farm Tenant Act which gives us a possibility for the solution of the problem. I approached with such a proposal the chairman of the Committee on Agriculture of the House of Representatives, Representative Cooley, who was from the first beginning very favorable for the project that former farmers DP shall be eligible for loans and assistance on the basis of an amendment to the Bankhead-Jones Tenant Act notwithstanding that these farmers are not yet citizens of the United States of America. The text of a bill was prepared, and Representative Francis Walter took over the legislative sponsorship of the bill. The end of the session interrupted the work on this project.

The Farmers Home Administration does wonderful work indeed. There are 40 State offices and 1,700 county offices. She helped more than a million American farm families. The agency's employees are making the loans, handle collections, and provide planning assistance and on-farm training of the borrowers. Why not include the former DP farmers in such a formidable organization? It is the goal of the Bankhead-Jones Act to create family farms, farms where the farmer and his family is operating. That is just the ideal the Eastern European farmer is striving.

The economy of the United States is asking for a tremendous production of food for the country as also for the starving nations in the whole world. Is not in such a state of affairs the help Eastern European farmers, now against their own will working in overcrowded cities in the industry what does not suit them, can give vital and invaluable?

Still another point of view must be taken into consideration. The farmers-immigrants are fully convinced that they will return in a free-state life. The agriculture of our countries will demand American experience, wisdom, and constructiveness. It is a pity that the farmer's chance to use a wonderful occasion to be acquainted with this world miracle which is American agriculture.

I will hope that American economic and legislative genius will not hesitate through wise legislative regulation and efficient administrative proceedings to return the throngs of Eastern European farmers to the destination they are trained in the course of centuries, to return to the cultivation of the land in the interest of the United States of America and their own states, which will need, in the case of liberation, agriculturists of high qualification who will be the harbingers of American methods of farming, but also of a higher, more dignified way of life.

Mr. ROSENFELD. Another statement from Dr. Adolph Klimek, chairman of the social aid committee of the Council of Free Czechoslovakia.

The CHAIRMAN. It will be received.

(The statement follows:)

STATEMENT SUBMITTED BY ADOLPH KLIMEK, CHAIRMAN OF THE SOCIAL AID COMMITTEE OF THE COUNCIL OF FREE CZECHOSLOVAKIA

COUNCIL OF FREE CZECHOSLOVAKIA,
Washington, D. C., October 23, 1952.

Mr. HARRY N. ROSENFELD,

*Executive Director, President's Commission on
Immigration and Naturalization, Washington, D. C.*

DEAR MR. ROSENFELD: Thank you very much for your letter of September 26, 1952, inviting me to present at the public hearing to be held on October 27 and 28 my views or those of the Council of Free Czechoslovakia on what the United States immigration policy, law, and administration should be.

I feel very sorry not to be able to appear personally at the hearing and ask to be excused.

I am enclosing, dear Mr. Rosenfield, a written statement expressing not only my personal opinion on the subject but of the whole Council of Free Czechoslovakia. Should you need any further information, we shall be only glad to furnish it.

Sincerely yours,

COUNCIL OF FREE CZECHOSLOVAKIA,
DR. ADOLF KLIMEK,
Chairman, Social Aid Committee.

STATEMENT OF VIEWS ON UNITED STATES IMMIGRATION POLICY, LAW, AND ADMINISTRATION

Council of Free Czechoslovakia as the representative body of the free Czechoslovaks and the spokesman for the Czechoslovak citizens in the enslaved country is interested in and feels entitled to speak particularly on the problem of facilitating the entry into the United States of Czechoslovak nationals. Among such nationals the category which is most deserving of assistance and relief is again represented by genuine political refugees who left or will leave in future their captive home and because they are in danger of liberty or life for their democratic disposition or do not wish to live any longer under the Communist totalitarian regime.

In assisting such refugees in their endeavors to find a haven in the United States the council is faced with the following main difficulties:

- (a) Only very few of the potential immigrants of Czechoslovak nationality who qualify for immigration are in a position to procure affidavits of support.
- (b) There are among the genuine Czechoslovak political refugees many who, although of undisputed Czechoslovak nationality, were not born in Czechoslovakia and are, therefore, not covered by the Czechoslovak immigration quota.
- (c) The number of potential Czechoslovak immigrants is not met by the Czechoslovak quota which according to the proclamation of the President of the United States issued on June 30, 1952, will be 2,859 p. a. as of January 1, 1953.
- (d) Cases of Czechoslovak nationals whose health had been impaired by the sufferings under two dictatorships have been precluded from immigration into the United States.

Although very anxious not to concern itself with the problem of legislative technique the council, however, wishes to make the following suggestions:

1. Establishment of a new, more suitable basis for computing quotas, e. g., the 1950 census. This might bring up the Czechoslovak quota. At the same time any "mortgage" on future quotas resulting from the past legislation could be canceled which would make the new quota freely available.

2. Pooling of unused quotas thus making the quota system more flexible and permitting the admission of immigrants from countries whose quotas might be overdrawn in future, especially of nations from iron-curtain countries, within the unused quotas of other countries. The unused quotas would be allotted to the iron-curtain countries with overdrawn quotas in proportion to the numbers of candidates for immigration who are in need of quotas according to the applications submitted with the respective services of the United States.

3. Exemption of political refugees from iron-curtain countries from the requirement of affidavits of support by individual United States nationals and replacement of this requirement by some other less stringent guaranties, e. g., assurances of recognized voluntary agencies as in the case of the Displaced Persons Act. It would, perhaps, also be possible to create a special category of immigrants for these political refugees.

4. Another exemption for sick and disabled political refugees—hard-core cases—who would not be required to prove a good state of health.

It is a matter of course that the genuineness and bona fides of each individual case would have to be established by suitable screening and security measures.

As for the other subjects emphasized in section 2 of the Executive order, we wish to add the following comments:

1. According to the section 212, 9a, of the new Immigration and Nationality Act, there are ineligible to receive visas and shall be excluded from admission into the United States:

9. Aliens who have been convicted of a crime involving moral turpitude, other than a purely political offense, etc.

10. Aliens who have been convicted of two or more offenses, other than purely political offenses, regardless of whether the conviction was in a single trial or whether the offenses arose from a single scheme of misconduct and regardless of whether the offenses involved moral turpitude, for which the aggregate sentences to confinement actually imposed were 5 years or more.

The wording of the act practically excludes just the democratic people from the countries behind the iron curtain from immigration into the United States, as far as they have been punished by Communist "courts," or by police in Czechoslovakia. It is very well known that one of the methods of the Communist regime used to eliminate the so-called class enemies, i. e., the middle class, is the mass sentencing to long years penalties—besides confiscation of property—for crimes or offenses, branded as criminal and immoral, which according to the western justice and western ethics are neither crimes nor offenses at all, just the contrary.

In pursuance of this aim the Communist regime in Czechoslovakia issued a new penal law. According to the statements of the Cabinet and of the parliamentary reporters in the so-called Czechoslovak Parliament made before the new law was enacted, the main purpose and intention of the new act is to guard the socialist order and to destroy the class enemy. For better illustration let us remind you of the case of Mr. Oatis who did not commit any transgression but carried out the normal duties of a democratic correspondent. Nevertheless, he was sentenced by the Communist Czechoslovak court for espionage. The sentence was really based on the new Czechoslovak penalty law. Snapshots of anything that may only slightly indicate what is going on in the country, e. g., photographs of the crops, can be considered on the basis of the new Czechoslovak penalty law as criminal act, espionage, or treason.

According to this new Czechoslovak Communist penal law even a friendly attitude toward the United States is a treasonable crime. The exception of the act "other than purely political offenses" is, therefore, absolutely insufficient, because the real cause of the sentence is generally not revealed by the Czechoslovak tribunals. They usually use a formula which refers to a criminal crime or offense.

As an example we give just one case:

A so-called "village rich", who in fact is a farmer refusing to join voluntarily the cooperative, which is in reality a kolhoz, is ordered to turn out a certain amount of farm products which he is not able to produce. At the same time his machinery is confiscated and he is not allowed to hire any help. This is no secret, it is all done publicly by the orders and instructions published in official news and bulletins. The "village rich" is thus practically prevented from delivering his prescribed quota. Consequently his entire property is confiscated and in addition the "village rich" is sentenced to a long term of imprisonment for a crime * * * which is described as a criminal one.

The whole new Communist Penal Act is a document of the same falsity.

The democratically minded people, who proved their anti-Communist attitude also by facts, in case they succeed eventually in escaping from the Communist tyranny, would be punished by the other party, too, being excluded from immigration into the United States by the above-mentioned regulation of the new Immigration Act.

Certainly it was not the intention of the authors of the new Immigration and Nationality Act to bar from immigration into the United States the true democrats.

Therefore, it seems just, decent, and in the very interest of the security and liberty of the United States to alter the cited regulation, so that it would exclude from immigration into the United States only the criminal elements whose crimes or offenses come within the conception of the criminal laws of the western democracies.

2. The section 222 (b) reads: "Every alien applying for an immigration visa shall present a valid unexpired passport or other suitable travel document, or document of identity and nationality. * * *"

Unfortunately political refugees crossing the frontier between the West and the Communist-occupied countries behind the iron curtain, on account of obvious reasons cannot carry any documents at all. Their departure from home must be—especially under the present severe police measures and incredibly difficult and dangerous circumstances—absolutely unnoticeable, which does not permit them to take along anything. If they are lucky enough to cross the border, they save only a bare life and what they wear.

It does not seem right that these people should encounter the tremendous difficulties from the above-mentioned regulation, concerning the personal documents. Perhaps a way out might be provided by a supplementary stipulation, which would accept, as a substitute, identification documents issued by agencies taking care of the refugees in the respective countries, especially in Germany, Austria, etc.

3. Section 212, 28, excludes from immigration to the United States all those who are or were members of Communist organizations which are specified in the act.

However, judging by the procedure as it has developed, the terms of this regulation affect also the absolutely reliable democrats of purely anti-Communist convictions only because they belong or did belong to an organization which, prior to the Communist regime, had been positively democratic.

The Czechoslovak physical education organization Sokol, e. g., was one of the exclusively democratic bodies which provided a considerable support to the prewar Czechoslovak democracy. That is the reason why Sokol right from the beginning was hated by the Communists, the more because their attempts to smuggle Communist elements into this nation-wide physical education organization, were promptly detected and barred. It was Sokol who at the occasion of the Sokol Festival in July 1948, already after the Communist coup, showed ostentatiously such an amount of anti-Communist feeling that it attracted the attention of the entire international press.

It is only obvious that the Communist regime took every effort to monopolize Sokol now. Not being aware of the history of the Sokol organization, in terms of the above-mentioned regulation, Sokol is branded as a subversive organization. This is being used against true democrats, members of Sokol, and destroys their efforts to obtain an immigration visa to the United States.

In a similar way, all other national, until then purely democratic organizations of Czechoslovakia, like the Firemen Association or the Czechoslovak Red Cross, etc., were discriminated against by the Communists.

The irreproachable democratic past of the members of these organizations cannot be marred by the fact that they remained, and how long they remained, members of these organizations, after their seizure by the Communists. Because it belongs to the nature and the sense of the fight against communism at home, to hold on everywhere, where it is possible, and from the inside strive for their renewed leadership. Besides that, the whole so-called psychological war, a part of which is the need of reliable information, obviously calls for this procedure.

All this proves that the present wording of the regulations of the new Immigration Act would consequently nullify the real intentions of the act, as they are directed against the democratic forces. The need, therefore, exists that every such case be considered individually.

Mr. ROSENFELD. Another from Mr. Jury Sobolewski, Central Council of Byelorussian Democratic Republic.

The CHAIRMAN. That may be inserted in the record.

(The statement follows:)

STATEMENT SUBMITTED BY JURY SOBOLEWSKI, DELEGATE, CENTRAL COUNCIL OF THE
BYELORUSSIAN DEMOCRATIC REPUBLIC

BYELORUSSIAN DEMOCRATIC REPUBLIC,

CENTRAL COUNCIL,

New York, N. Y., October 11, 1952.

THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Executive Office, Washington, D. C.

Thank you for kindly sending information about the public hearing in New York City on Tuesday, September 30, and Wednesday, October 1, 1952, at the Federal Courthouse. Unfortunately, it arrived too late to contact the executive director at the hearings in New York.

However, in connection with the immigration case, we would like you to take into consideration the following.

The contemporary international situation makes a fundamental influence on the treatment of immigration matters. Communistic expansion of Soviet Russian imperialism by its totalitarian action for conquest of the whole free world is now a direct threat to the security of the United States. This Soviet aggression takes place in two ways: (a) by military expansion outside of the United States, and (b) by subversive action inside of the United States.

Communistic Russia's realization of its aims consists in organizing all peoples of various races in all countries. In that policy communistic universalism is a screen only for the Russian policy of conquests. It seems improbable that the peaceful policy followed by the democratic world is unable to prevent war which demands defense against such dangerous aggression.

The policies and laws of immigration and naturalization are very important in contemporary fight against communism. We believe the matter can be taken up in the following way:

1. Against communistic Russian universalism there may be carried democratic universal policy. The nationalities of all races must have in the American policy a support and must see a harbor of humaneness, realization of right principles of quality for all peoples.

2. There must be made special consideration on immigration to the United States for the victims combating communism and Soviet imperialism for all races and peoples. The new anticommunistic immigrants will have a tendency to neutralize internal, subversive communistic action.

3. The different penalties for native-born and naturalized citizens are an example of unequal treatment of citizens by law. Citizenship must be equal for all citizens. Justice demands equity for citizens, whether native-born or naturalized.

Very sincerely yours,

JURY SOBOLEWSKI,
Delegate of B. D. R.

Mr. ROSENFELD. Another from Mrs. J. Frederick Roe, corresponding secretary of the New York City Colony of the National Society of New England Women.

The CHAIRMAN. It will be incorporated in the record.
(The statement is as follows:)

STATEMENT SUBMITTED BY MRS. J. FREDERICK ROE, CORRESPONDING SECRETARY, NEW YORK CITY COLONY, NATIONAL SOCIETY OF NEW ENGLAND WOMEN

NEW YORK CITY COLONY,
NATIONAL SOCIETY NEW ENGLAND WOMEN,
Flushing, N. Y., October 25, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Executive Office, Washington, D. C.

GENTLEMEN: At their regular meeting, October 23, 1952, the New York City Colony, National Society New England Women, passed this resolution, copy of which I have been instructed to mail you.

Very truly yours,

MARJORIE T. ROE,
Mrs. J. Frederick Roe,
Corresponding Secretary.

THE IMMIGRATION AND NATIONALITY ACT (1952) (McCARRAN-WALTER ACT)—
RESOLUTION ADOPTED OCTOBER 23, 1952

Whereas the President of the United States, by Executive Order No. 10392, September 6, 1952, without authority of the Congress, has established in the Executive Office of the President a commission to be known as the President's Commission on Immigration and Naturalization, and has appropriated public funds to defray its expenses, and

Whereas said Executive order purports to authorize said Commission to make a "survey and evaluation of the immigration and naturalization policies of the United States, and (shall) make recommendations to the President for such legislative, administrative or other action as in its opinion may be desirable in the interest of the economy, security, and responsibilities of this country," and also purports to direct said Commission to give particular consideration to

"(a) the requirements and administration of our immigration laws with respect to admission, naturalization, and denaturalization of aliens, and their exclusion and deportation;

"(b) the admission of immigrants in the light of our present and prospective economic and social conditions and of other pertinent considerations; and

"(c) the effect of our immigration laws and their administration, including the national origin quota system, on the conduct of the foreign policies of the United States, and the need for authority to meet emergency conditions such as the present overpopulation of parts of Western Europe and the serious refugee and escapee problems in such areas;" and

Whereas said Commission is further directed by said order to present to the President its written report not later than January 1, 1953, and has scheduled

its hearings in 11 cities of the United States for an aggregate of only 14 days; and

Whereas the studies proposed to said Commission are comprehended in the immigration and nationality law (Public Law 414), enacted June 27, 1952, by overwhelming vote of the Congress, to become wholly effective December 24, 1952, and said act is the outcome of 4 years' reflection and study by the Congress, through its appropriate committees, aided by experienced officials of the Departments of State and Justice, and is a comprehensive codification of prior legislation concerned therewith; and

Whereas the President, by his veto message, evinced his implacable hostility to what is now, under the Constitution, the supreme law of the land, and those who advocate its nullification assume that the Commission is similarly animated and anticipate, as is confidently implied by the well-informed New York Times (editorial, October 13, 1952) that "Changes may be made if the forthcoming report of the President's Commission on Immigration and Naturalization is accepted," and

Whereas said act provides (sec. 401) for a bipartisan joint congressional committee of 10 members, whose function is "to make a continuous study of (1) the administration of this act, and its effect on the national security, the economy, and the social welfare of the United States, and (2) such conditions within or without the United States which in the opinion of the committee might have any bearing on the immigration and nationality policy of the United States, being empowered to obtain all necessary information through testimony and consultation; this provision having been made immediately effective:

Be it resolved (1) That the New York City Colony, National Society New England Women, commends the immigration and nationality law as an equitable measure in behalf of this Nation, and as eminently fair and generous to other peoples;

(2) That we especially approve the establishment of a bipartisan joint congressional committee for continuous deliberation upon the law's administration, and its effects upon the national interest and our relations with foreign countries; and for the recommendation of amendatory legislation, as occasion may require;

(3) That we believe, on the other hand, that the problems involved are of such magnitude and complexity as to preclude the possibility of any notable contribution by a commission hastily established by Executive order, but that the eventual submission and publication of a superficial, partial, inadequate and biased report, calculated, through propaganda, to engender irrational prejudice, intensified embitterment, and national and international confusion, is rather to be expected, and is in fact expected by its proponents;

(4) That we especially deplore the establishment of a commission by Executive order, charged with duties and responsibilities such as are hereinbefore enumerated, as an unwarranted and unprecedented encroachment upon, and usurpation of, legislative powers and prerogatives expressly reserved by the Constitution to a coordinate branch of the Government—the Congress of the United States; and as derogatory of the supreme law of the land.

Mr. ROSENFELD. Another from Mr. James C. Mylonas, on behalf of AHEPA.

The CHAIRMAN. It may be admitted.
(The statement follows:)

STATEMENT SUBMITTED BY JAMES C. MYLONAS ON BEHALF OF THE SUPREME LODGE OF ORDER OF AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION (AHEPA)

In his several messages to Congress, President Truman has treated our immigration and naturalization policies so thoroughly and so clearly that it is very difficult and hardly possible for anybody else to say anything new on any phase of these subjects.

Our present laws and policies appear to be based on the assumption that no honest, hardworking, freedom-loving person in the world would attempt to enter the United States for permanent residence.

The American consulates, everywhere, are required to presume that anyone applying for an immigration visa has some evil design for the destruction of the Government, industry, and morality of the American people. Every applicant is immediately shouldered with the burden of proving—to the satisfaction

of the consul, to the Attorney General, to the Secretary of State, to the Secretary of Labor, and to the President of the United States—that he does not plan any harm to the American people and Government, and that he is not likely to acquire any habits or notions, or to make any mistakes which may reduce him to a state of poverty and want.

After the prospective immigrant complies with these requirements and is admitted, his conduct here is not judged by the regularly established system of determining justice before the open courts of the Republic, but he is subject to the rules, regulations, and discretionary sensibilities of the Attorney General. This does not mean that the Attorney General, or the Secretaries of State, Labor, or Commerce, are personally cognizant of how the alien's case is handled and decided. The alien's accusers, prosecutors, judges, juries, and executioners of the sentence passed against him are the agents and employees of the Immigration and Naturalization Service. It often happens that all of these functions are performed by one and the same person.

Even after the alien is admitted to citizenship, he is immediately subjected to special laws which operate to his special disadvantage and to the disadvantage of his American-born children. These laws do not apply to all citizens, only to naturalized citizens and to their children.

There is only one way to equality under the law, and that is to have one standard, one system of dispensing justice and meting out punishment to all persons alike within the jurisdiction of the United States. Likewise, there is only one way to avoid the stigma of having second-class citizens in America, and that is to have no laws which do not apply to all citizens alike.

The basis for immigration quotas should be brought up to date and should be automatically adjustable after specified intervals of time. It is wrong to assume that present-day conditions and facilities for the assimilation of certain nations into American ways of life are the same as they were in 1900 and 1920. Not only the condition, but the character and status of nationalities have changed—have greatly improved—since those years.

While I cannot speak with authority regarding the needs of all countries and peoples of the world, I can speak about the needs of Greece and her people who fought so valiantly and suffered so long and so much for the same principles of freedom and justice as our own. I know a great deal about the Greek people because I was born there, have followed their progress and their injuries, and have visited Greece before and after the catastrophe of war.

Greece is a small, rough, rugged, and dry country, smaller than Arizona trying to support 7,000,000 more people than live in that rich and prosperous State of the American Union.

The soil of Greece, due to erosion, unpreventable because it is stony, and due to lack of rain during the growing season, is not fertile. It produces little with great labors. It hardly produces enough to keep the farmers themselves in food for more than 6 months of the year.

This condition has grown worse since the war against the Communists which the Greek people were compelled to fight immediately after their heroic struggle against the invasion of their country by the Axis powers.

These wars, especially the one against the Communists, compelled the evacuation of whole towns and districts. This was done under the advice and command of the American strategists with the American Mission for Aid to Greece. Their homes, farms and villages became battlefields of all-out war and extermination. When it was over, there was nothing left to which the people could return, and they had no materials, no tools and no money with which to rebuild. They remained in the larger cities to which they were taken, living from hand-to-mouth, in make-shift tents and shanties, constituting a grave and dangerous menace to the health, morals and freedom of the entire country—if not of the world.

The conditions of human misery existing in Greece, as I know them, and in other countries, as I am reliably informed, are neither right nor natural. They are the direct product of our common fight for freedom. These people are casualties of the war which the American soldiers fought for the protection of our homes and ways of life here.

The state of mind created by the hapless plight of these people—our allies of yesterday—is a fertile field for communism and other subversive teachings. When the average American thinks of communism, he thinks of what he would lose if such a calamity overcame this country. The more he has to lose, the more vigilant he is. Other people in other countries are not different in this

respect. They, too, weigh the advantages and disadvantages of political changes in terms of relative benefits—prospective gains and losses—to them. When a person has nothing to lose by submitting to bright and rich promises, he is more than likely to accept the promise of something for the nothing that he has.

Aside from the good that the admission of a substantial number of selected immigrants will do to them, their services are sorely needed by America. The help wanted ads of every paper in the country are daily testimonials of the scarcity of labor—skilled and unskilled. Despite the special inducements offered by large and reliable firms—high wages, good conditions, sick and vacation leaves with pay, free medical services, group insurance, and any number of special inducements—they are not able to attract the number and quality of workers needed in the business.

The admission into the United States of a substantial number of able-bodied, honest and industrious people, yearning for a chance to establish their homes and families in America, will help everybody and everything, and will hurt no one.

Respectfully submitted.

JAMES C. MYLONAS,
*Representative of Supreme Lodge,
Order of Ahepa, Washington, D. C.*

Mr. ROSENFELD. Another from Mr. Meyer L. Brown, president of the Farband-Labor Zionist Order.

The CHAIRMAN. It will be incorporated in the record.

(The statement follows:)

STATEMENT SUBMITTED BY MEYER L. BROWN, PRESIDENT, AND LOUIS SEGAL, GENERAL SECRETARY, FARBAND-LABOR ZIONIST ORDER

FARBAND-LABOR ZIONIST ORDER,
New York, N. Y., October 27, 1952.

Mr. HARRY N. ROSENFELD,

*Executive Director, Commission on Immigration and Naturalization,
The White House, Washington, D. C.*

GENTLEMEN: In behalf of the more than 30,000 members of Farband-Labor Zionist Order, we wish to go on record as vigorously opposing the McCarran-Walter law, and the national origins quota system, and other unjust and discriminatory provisions contained therein.

We believe that this bill injects racial discrimination into our law, establishes many new vague and highly abusable requirements for admission, impedes the admission of refugees from totalitarian oppression, incorporates into law vague standards for deportation and denaturalization, and deprives persons within our borders of fundamental judicial protection.

Further, we urge that any system of immigration which makes the place of birth the test of admission to the United States be abolished, as not being in accord with our democratic way of life. Admission to the United States at all times should and must be based on the need and qualification of the individual.

We urge, too, that equal treatment be afforded under the law for both native-born and naturalized citizens. We ask that deportation and denaturalization as punishment for crimes other than fraud and illegal entry be abolished. We further request that procedures be established for the adequate appellate and judicial review of the acts of consular and immigration officials.

We hope that you will include this statement in the report which you are preparing after hearings which have been held throughout the United States and we trust, too, that the motivating force behind the final action on the McCarran-Walter law will be the basic principles of democracy, freedom, and equal opportunity for all, regardless of race, color, and creed.

Respectfully yours,

GENERAL EXECUTIVE COMMITTEE,
FARBAND-LABOR ZIONIST ORDER,
MEYER L. BROWN, *President*,
LOUIS SEGAL, *General Secretary*.

Mr. ROSENFELD. And the last at this point from Prof. W. Van Royen of the University of Maryland, concerning the situation in the Netherlands.

The CHAIRMAN. It may be inserted in the record.
(The statement follows:)

STATEMENT SUBMITTED BY WILLIAM VAN ROYEN, PROFESSOR OF GEOGRAPHY,
UNIVERSITY OF MARYLAND

HILLDALE, SILVER SPRING, MD., October 27, 1952.

Mr. HARRY N. ROSENFELD,

*Secretary, the President's Commission on Immigration and Naturalization,
Washington, D. C.*

DEAR SIR: As an American citizen of Netherlands descent I would like to submit to the President's Commission on Immigration and Naturalization the following considerations in favor of an enlarged immigration quota for the Netherlands, the increase to be granted for a sufficient number of years to enable prospective immigrants to make necessary and desirable preparations for the change of residence and national affiliation contemplated.

Among the countries of the world there is probably no other that stands closer to the United States in democratic traditions, mode of life, and mode of thinking than the Netherlands. On the whole, the Dutch are a religious, God-fearing people with few prejudices, and who almost invariably become solid, faithful citizens of our Republic. A particular advantage of immigrants from the Netherlands is that, except for the groups that located in Michigan and Iowa, now about a hundred years ago, they rarely settle en bloc. As a result of this, and of the slight differences between Dutch and American culture, the second generation, and frequently even the first generation, are easily and completely absorbed. Thus the Dutch in this country rarely cause any minority problems.

Following World War II the Dutch immigration quota to this country has been practically completely filled, and the interest in emigration to the United States has continued to increase, as the waiting list apparently is growing longer every year. This is in contrast to conditions existing in other west European countries.

For example, the quota for Belgium during the year 1949, 1950, and 1951 has been filled, on the average, to only 83 percent, that for Sweden to 57 percent, for Switzerland to 89 percent, for Great Britain to 29 percent, and that for Ireland to 35 percent.

Many young Dutch farmers would like to come to the United States. At the present time there are about 70,000 young farmers' sons in the Netherlands who probably will never be able to settle on a farm in their own country because of the limited amount of available farm land, even after completion of reclamation of remaining portions of the former Zuider Zee.

It is known to me personally that in an area of about 100 miles radius around Washington it is becoming steadily more difficult to find well-trained farm labor. Several farm owners known to me, from Virginia to up-State New York have experimented with foreign farm labor from regions outside of the United States where agriculture is not on so high a level as it is here, and have found the experiment unprofitable due to the fact that this type of labor required training in modern farm methods, education in personal hygiene and farm hygiene, and had to be taught even the rudiments of the English language.

A recent statement by Dr. O. V. Wells of the Bureau of Agricultural Economics, United States Department of Agriculture, read before the Agricultural Outlook Conference, on October 21, 1952, indicates that the trend toward a diminishing supply of farm labor is general in this country.

Then why not attempt to obtain more immigrants from a country where agricultural practices, such as those used in dairying and in diversified farming, are on a level with practices used in this country? The great majority of the 70,000 young farmers mentioned above, probably from 80 to 90 percent have acquired practical experience on modern farms, as they grew up in such an environment. In addition they have received a considerable amount of training in agricultural and horticultural schools, through short courses, and other types of specialized training. Such persons would be a valuable asset to American agriculture.

The Netherlands is a country with a very high density of population. Capital losses resulting from the battles preceding the defeat of Hitler have been enormous, with widespread destruction in the southwest, central, and eastern

portions of the country. The separation from Indonesia has not tended to improve general economic conditions and prospects.

Further industrialization and further land reclamation can only partly solve the problems created by the events of recent years. The amount of land which can be reclaimed from the Zuider Zee is limited in extent, and even the Dutch cannot start draining the North Sea. Further industrialization is profitable only if satisfactory outlets can be found for the products, something which is becoming increasingly more difficult. Besides, industrialization is expensive, as an investment of several thousand guilders is required for every person to be employed in industry. In view of the present defense commitments of the Netherlands it may not be possible to make large additional investments in capital goods for export industries.

The Netherlands Government hopes to be able to foster emigration of about 60,000 persons per year. An enlarged quota for emigration to the United States, would undoubtedly direct a greater proportion of this valuable and highly desirable manpower to this country, and into channels where it could be best utilized.

Not only have Dutch farmers proven, almost without exception, to be an asset to the economy of this country, but many others of Netherlands birth, with skills of various kinds, have become sound and reliable citizens, and have made their individual contributions to our cultural, religious, and economic life. One might mention, for example, the not inconsiderable number of persons of Netherlands birth who have devoted their lives to the teaching of American youth, and to scientific research of great value to our country.

The President, in his message of March 24, 1952, has already elaborated on the problems of The Netherlands, and expressed the desirability of a temporary increase in the Netherlands quota of 7,500 per annum over a period of 3 years, over and above the present quota of 3,136. It seems to me that a period of 3 years is too short to make the increase effective and beneficial. An increase of 5,500 or 6,000, over a period of 6 years, would allow for better preparation on the part of all concerned. If after the lapse of the 6-year period it should become desirable to decrease the quota, such a decrease should be made gradual over a number of years, so as to avoid possible hardships.

Once again I would like to emphasize that Dutch immigrants, who have come to this country from the very earliest years of its colonial existence, have always proven to be easily adaptable to American ways, and in full accord with American ideas and ideals. In fact, they have contributed substantially to those ideas and ideals, and to the progress of the Nation in general. I do not doubt that future immigrants from The Netherlands will also prove themselves to be valuable additions to our population.

Respectfully yours,

WILLIAM VAN ROYEN,
Professor of Geography.

* The CHAIRMAN. We have completed the schedule that we had assigned for today. There are several who have not been heard who were on that schedule but who have advised us they are unable to be here and, in most instances, they have indicated they will submit written statements to the Commission in due course of time. So these particular hearings are now concluded.

The Commission may hold other hearings, depending upon its ability to make arrangements for those who have not been heard and who may wish still to be heard instead of filing written statements. But unless that is done, there will be no more hearings. The record will remain open for as long a time as possible so that interested groups and individuals may have an opportunity to file additional statements.

Thank you very much.

(Whereupon, at 4:30 p. m., Wednesday, October 29, 1952, the hearings before the President's Commission on Immigration and Naturalization were concluded.)



STATEMENTS SUBMITTED BY OTHER PERSONS AND ORGANIZATIONS

STATEMENT SUBMITTED BY FLOYD MING, NATIONAL COMMANDER, DISABLED AMERICAN VETERANS

DISABLED AMERICAN VETERANS,
Cincinnati 6, Ohio, October 14, 1952.

Mr. HARRY N. ROSENFELD,
Executive Director, President's Commission on Immigration and Naturalization, Washington, D. C.

DEAR MR. ROSENFELD: This will acknowledge and thank you very much for your letter of September 29 extending an invitation to this organization to participate in the discussion to be held in the National Archives Building on October 27 and 28 on matters pertaining to immigration and naturalization.

As individuals we are interested in matters of this kind. However, the DAV, as an organization, does not wish to make any statements on the subject. We are organized to devote all our time and effort to the care of America's disabled veterans.

Wish best wishes for the success of your endeavor. I remain,

Sincerely,

FLOYD MING, *National Commander.*

STATEMENT SUBMITTED BY VICTOR F. WEISSKOPF, VICE CHAIRMAN, FEDERATION OF AMERICAN SCIENTISTS

FEDERATION OF AMERICAN SCIENTISTS,
Washington 6, D. C., October 17, 1952.

The Honorable PHILIP PERLMAN,
Chairman, Executive Committee on Immigration and Naturalization, Washington, D. C.

DEAR MR. PERLMAN: I would like to draw the attention of your committee to the terrible effects which the present policies, in respect to the granting of visas to foreign scientists, have had upon the progress of science in this country and abroad and also upon the relations to the United States and the European countries.

Visas for visiting the United States and for the attending of scientific meetings have been refused in many instances to people who have never indulged in any politics and whose views are very favorable to the United States. The recent issue of the Bulletin of the Atomic Scientist, which has been submitted to the committee at its Chicago meetings, gives an excellent summary of the situation and contains the testimony of many foreign scientists as to the difficulties which they encountered during their application for a visa.

The causes of this situation seem to me twofold. One is the limitations imposed by the McCarran Act which prevents the entry of people, even if they had only very superficial and casual relations with some leftist organization way back in the past. The other is this law was executed by the consular authorities: the way in which the investigations have been carried out, during which some of the candidates have been subjected to an undignified and humiliating questioning and also the way in which the political nature of some of the foreign organizations has been established. Here, in many cases, organizations were being put on the black list who can be considered as perfectly harmless after closer investigation.

In all fairness it must be added that the handling of the visa problem has been greatly improved recently and one gets the impression that the consular authorities are now striving to interpret the McCarran Act in a more realistic

way than they did before. I have included a letter to the editor of the Bulletin of the Atomic Scientist, which describes my impression regarding this point during my recent trip abroad. Nevertheless, it must be emphasized even with the most liberal interpretation, the McCarran Act will always constitute an extremely serious obstacle to free exchange of visitors and of ideas between this country and abroad. This obstacle is contrary to our fundamental philosophy of openness and will bring this country the reputation of copying totalitarian systems. I hope very much that the activities of your committee will help improve the law such that normal conditions of scientific exchange between this country and abroad can be established.

Sincerely yours,

VICTOR F. WEISSKOPF,
Vice Chairman, Federation of American Scientists.

LETTER TO THE EDITOR OF THE BULLETIN OF THE ATOMIC SCIENTIST

This summer I had occasion to revisit some of the important centers of research in continental Europe, and it was my special aim to find out the reactions of the European scientists to the restrictions imposed by the McCarran Act, upon travel to the United States. The last issue of the Bulletin of the Atomic Scientist has described the situation in a very effective way and has demonstrated the gravity of the situation and the dangers which it presents to our relation with Europe.

I am glad to be able to report some improvements that are distinctly observable. It seems that the State Department and the consular authorities have now begun to try to do their best within the framework given to them by the McCarran Act. This observation is based on the following facts. The time for getting a visa is now substantially shorter than it was before. Since about spring of 1952, one can expect a definite answer, yes or no, within not more than 2 months and sometimes even less. Unfortunately, in many cases the answer is still "No." Furthermore, I have heard from many sides that the questions included in the application blanks and also the type of personal questioning at the embassies have been considerably improved. I have not heard any recent complaints about digging into irrelevant activities of the past and no longer is the candidate subject to questions regarding his political views on current events. It seems that the procedures have gained considerably in dignity.

I have heard these encouraging reports mainly in France and the Scandinavian countries. Especially the French scientists were quite impressed by the improvement, and I have heard many of them crediting the American scientists for having been active in the improvement of the situation. Actually, it seems that the State Department and the consular authorities themselves have taken a great deal of initiative to improve the situation with the narrow limitations of the McCarran Act. A great help in this effort is the recent appointment of scientific advisers to the embassies of important centers of research. This has been done in London, Paris, Stockholm, and Switzerland. This action goes back to a recommendation of Dr. Lloyd Berkner in his famous report upon science and foreign affairs, and has been organized by the scientific adviser to the State Department, Dr. J. Koepfli. The people appointed are all active American scientists from university laboratories. I had occasion to observe their activities in Paris, and it was quite obvious from the reactions of the French scientists that they are doing an extremely useful and very successful job. They established excellent relations, scientific and social, with the scientists of their host countries and have helped considerably in explaining our situation to them and in explaining the situation in the country to the personnel of the embassies. I am sure that this has helped greatly in the improvement of the situation, and that it will also help in the future.

In spite of these very encouraging developments, one should not forget that the situation as such is still extremely unfavorable. The framework of the McCarran Act does not allow much improvement, even if the State Department and the consular officers continue to take a more realistic attitude. The law still excludes scientists who have had temporary and superficial connections with some political circles that are presently considered as unacceptable. This means that a large number of important foreign scientists still are cut off from any direct personal contact with American science, a situation which is harmful

for the progress of science here and abroad, and contrary to our basic philosophy of openness and freedom. The damage done to our international relations, which has been so eloquently demonstrated in last month's bulletin, can be remedied only by thorough revision of the legislation.

VICTOR F. WEISSKOPF.

STATEMENT SUBMITTED BY MRS. LOUISE S. GLOCKLE, ANCHORAGE, ALASKA

ANCHORAGE, ALASKA,
October 27, 1952.

Mr. PHILIP B. PERLMAN,
Chairman, President's Commission on Immigration and Naturalization,
Washington, D. C.

DEAR MR. PERLMAN: Surely in your study of the McCarran Act and its provisions affecting Alaskans you can't help but notice the evils which are repugnant to a good many of us who learned in our public-school days a completely different interpretation of the spirit of our country.

I am writing to you because I believe it is my duty to speak up and because I hope my protest, added to others, will help bring about either the repeal or amendment of the act.

As an American, I find it difficult to believe there is such a thing as a McCarran Act. As an Alaskan, it's equally difficult to realize there is the nasty little amendment which hangs an "ice curtain" not between citizens of different countries, which would be bad enough, but between citizens, friends, and relatives of the same country. It completely decitizenizes and disowns Alaskans.

How can we, in the name of honesty and integrity, be critical of Russia for her iron curtain, when we do the same thing—to our own people?

I can see no good in this despicable little amendment—Congress's Christmas present to fellow citizens, who happen to live on the same North American Continent, but don't happen to live on soil adjacent to that of the 48 States.

We are not wards of the United States, but are dependent in the sense that we are at the mercies of the whims and hysteria of the lawmakers of the United States.

We are people of all kinds and classes—races, political and educational backgrounds, native-born and naturalized citizens. We earn money to pay taxes to the Federal Government in ways, sometimes peculiar to the land, but also in the same ways as do our cousins who live in the United States proper.

Most of us, in fact, come from one of the 48 States. And most of us like to "go home" occasionally every few years to visit the folks.

Being screened, set aside, while someone checks on one's morals, mental capacities, and physical characteristics, is humiliating, annoying, and a great inconvenience. Who is to determine these things? The individual immigration officer?

In the Thursday, October 23, issue of the Anchorage Daily Times there is a story which further explains this amendment.

"We, who wish to travel to the States after December 24," so the story reads, "will find it easier to travel if we equip ourselves with United State citizenship identification cards."

According to Paul Clumpner, immigration officer in Anchorage, the procedure to acquire a card goes like this:

"Bring a record of your birth or naturalization papers to the office. You also need two photos, 1½ inches square. The photos should be full face, and measure an inch from the top of the head to the point of the chin."

One photo is attached to the application and the other is affixed to the citizen's card.

According to the article, "the identification cards take about 2 weeks to process. Materials are sent to the Seattle office for lamination and mailed directly to the citizen."

How is a person to get to the States in case of an emergency. Does he tell his aged parent to wait 2 weeks before dying because he won't be permitted to travel for two more weeks?

If such a law is allowed to stand on the books it may well be only a short time until passports are required to travel from New York to Connecticut or special permits needed to leave the District of Columbia to enter the State of Maryland.

The entire tone of the law is discriminatory and contrary to the premise that a "free" country implies free access to all parts of it and free intercourse between its citizens. It may well be the precedent to other laws more degrading and equally fascistic.

I am not saying there are no traitors in Alaska. I don't know any. Possibly there are. Just as likely there are in Nevada, New Mexico, or California.

It does not logically follow that everyone in these States should be screened. Our laws in the past have been aimed at protecting the majority of the people. Suspected violators of the law have been given trials. But when a murder is committed in a town of 500, the law enforcers try to find the culprit. They don't arrest all 500 because there is 1 murderer in the group.

The amendment defeats its own purpose if that purpose is to aid in the defense of the Territory. The military urges civilians to populate the country, feeling that a heavy population is, in itself, an aid to defense. No doubt one result of the amendment will be to discourage settlers from coming to the Territory.

From a nuisance angle alone, tourists will find traveling to a United States Territory, more of a bother than it's worth and will spend their tourist dollars in Canada or Mexico, or some other foreign country where visitors are welcome and where entry is made easier than to a United States possession.

I don't understand the section applying to criminals. I thought criminals were persons found guilty of a crime and hence, were paying their debt to society by serving time in a prison. (Exceptions to this would be escaped criminals.)

But until a court of law has found a citizen guilty, isn't he plain Mr. Citizen instead of being a criminal? Once that person has served his sentence, isn't he then considered a citizen and isn't he entitled to a second chance? A man doesn't go on for years paying society for his crime—or does he? Has the law been changed since I studied eighth-grade civics and learned to believe that the Constitution of the United States was one of the most beautiful in the world?

Are we now assuming that accused persons are guilty until proven innocent? That's the totalitarian way—an unfair and ruthless way. Are we turning into a nation of hunters and hunted?

As to the amendment keeping spies out of the country—I don't believe it will.

In the first place, don't all aliens have to be cleared by the Federal Government before entering the country? If this is so then why aren't all aliens screened before setting foot on American soil? If this is done once, why should the immigration authorities do it again and again—and again? Are they that unsure of their abilities? I should think the entire immigration and naturalization forces would rise in protest at this affront to their capabilities.

I doubt if a clever spy would have as much trouble going through the amendment red tape as would a citizen with no ulterior motives in wishing to travel.

Quite properly, passes are required and only persons with proper credentials are admitted to Army posts and defense plants of various natures. But the McCarran Act implies we in Alaska may hop over to Siberia with subversive information. Now anyone knowing the situation knows that it's pretty close to impossible for the average citizen to go north of the Brooks Range, which is controlled by the United States Navy, or across the Bering Sea to Siberia. Not only would the United States object but Russia would put a speedy stop to such a little jaunt.

As to this being an emergency. When hasn't there been an emergency? In 1786 George Washington said, " * * * no day (was) ever more clouded than the present."

No thinking adult today can look back on the years without noting there was always a crisis facing the country.

These are some of my reasons I urge the repeal of the McCarran Act and its amendment:

1. It "decitizenizes" Alaskans as members of the family of the United States.
2. It discourages settlers from coming to Alaska.
3. It discourages tourists from traveling in the Territory.
4. It would be ineffective in stopping any spies, inasmuch as a spy would be clever enough to get where he wishes, but it would inconvenience all the rest of us.
5. It establishes a precedent and paves the way for other totalitarian laws.

6. It puts Americans not living in the United States proper in jeopardy of loss of citizenship and exclusion from the United States without notice or hearings.

7. It gives large new powers to various Government officials by making their opinions a basis for exclusion or deportation.

Sincerely,

LOUISE S. GLOCKLE.
Mrs. Silas Glockle.

STATEMENT SUBMITTED BY NORMAN ACTON, ASSISTANT SECRETARY GENERAL,
INTERNATIONAL SOCIETY FOR THE WELFARE OF CRIPPLES

INTERNATIONAL SOCIETY FOR THE WELFARE OF CRIPPLES,
New York, N. Y., October 30, 1952.

MR. ELLIOTT M. SHIRK,
*Assistant Executive Director,
President's Commission on Immigration and Naturalization,
Washington, D. C.*

DEAR MR. SHIRK: As a result of our experience in the administration of the program of the United States Committee for the Resettlement of the Physically Disabled, we have had reason to believe that the practices related to the admission to the United States of persons with physical disabilities are not altogether in harmony with what is known today about the employability and potential for social adjustment of many handicapped persons. Any statute or implementing procedure which restricts the immigration of disabled persons solely on the basis of their disability should certainly be reviewed, taking into consideration the experience of the United States Department of Labor, the Federal Security Agency, the Veterans Administration, and the many voluntary agencies which have concerned themselves with the welfare of the handicapped.

Sincerely yours,

NORMAN ACTON,
Assistant Secretary General.

STATEMENT SUBMITTED BY AUSTIN WILLIAMSON, VICE PRESIDENT AND GENERAL
MANAGER, PENINSULAR & OCCIDENTAL STEAMSHIP CO., JACKSONVILLE, FLA.

THE PENINSULAR & OCCIDENTAL STEAMSHIP CO.,
Jacksonville, Fla., October 30, 1952.

MR. HARRY N. ROSENFELD,
*Executive Director, President's Commission on Immigration and Naturali-
zation, Washington, D. C.*

DEAR SIR: The Peninsular & Occidental Steamship Co. takes this means of expressing its opposition to the provisions of sections 232, 233, 252, 254, and 273 (d) of Public Law 414 passed by the Eighty-second United States Congress, as these sections relate to the detention of aliens on board vessel bringing them to the United States, compelling steamship companies to act as law-enforcement agencies and burdening them with detention expenses in a manner seemingly most discriminating in favor of airlines by comparison.

The company is aware of and is familiar with the representations to be made to the President's Commission on Immigration and Naturalization by the American Merchant Marine Institute, Inc., and urges that the suggested amendments be given careful and favorable consideration.

Moreover, the Peninsular & Occidental Steamship Co. respectfully suggests the following amendment to section 233 (c) (3):

"(A) application for admission was made within one hundred and twenty days of the date of issuance of the visa or other document, or in the case of an alien in possession of a reentry permit within one hundred and twenty days of the date (1) upon which the alien was last examined and admitted by the Service, or (2) within one hundred and twenty days of the date upon which the reentry permit was issued by the Service, whichever date is the later."

This company also respectfully urges that no change be made in section 231 (b), which will limit the period allowed for delivery of outgoing passenger lists to the Immigration Service to less than 30 days, as presently required of vessels making regular trips to United States ports.

Respectfully submitted.

AUSTIN WILLIAMSON,
Vice President and General Manager, The Peninsular & Occidental
Steamship Co.

STATEMENT SUBMITTED BY MRS. WILLIAM H. DALTON, PRESIDENT, NATIONAL
COUNCIL OF CATHOLIC WOMEN

NATIONAL COUNCIL OF CATHOLIC WOMEN,
DEPARTMENT OF LAY ORGANIZATIONS, NCWC,
October 30, 1952.

MR. PHILIP B. PERLMAN,
Chairman, President's Commission on Immigration and Naturalization,
Washington, D. C.

DEAR MR. PERLMAN: On behalf of the National Council of Catholic Women, a federation of Catholic women's organizations comprising approximately 7,000,000 members, I wish to submit to your Commission, for inclusion in the report of your hearing, the following resolution adopted by our members at our twenty-sixth national convention held in Seattle, Wash., September 20-24, 1952:

"The National Council of Catholic Women and its affiliates give expression to their support of the Holy Father for promotion of a Christian attitude toward immigration by spreading among our fellow citizens the gospel of an international brotherhood among men, and repudiating any tendency to regard as essentially inferior the peoples of other nations.

"As it has done since the present restrictive and discriminatory provisions were imposed, the council reiterates that Congress further liberalize the immigration laws. It especially urges that means be devised to use quota numbers remaining unused at the end of the fiscal year for the benefit of citizens of countries with oversubscribed quotas.

"It also recommends that Congress enact special legislation that will admit additional numbers of refugees and displaced persons on a nonquota basis, to aid in alleviating the problems created by Communist tyranny and overpopulation in Western Europe.

"Studies indicate that the regulations of the executive agencies can be simplified to remove from the applicant a great burden of trouble and expense in time and money. While not overlooking considerations of United States internal security, it is urged that regular studies and reviews be made to keep the administrative requirements as simple and feasible as possible.

"The National Council of Catholic Women expresses the hope that our Government will continue to participate in international programs for the movement of refugees and residents of overpopulated areas to countries in need of additional manpower."

With appreciation of your courtesy in taking the points made in this resolution into consideration, I am

Sincerely yours,

KATHLEEN L. DALTON,
Mrs. William H. Dalton,
President.

STATEMENT SUBMITTED BY ELMER E. ROGERS, WASHINGTON, D. C.

I am Elmer E. Rogers. I reside at 3705 Morrison Street NW., Washington, D. C., and I am employed at 1733 Sixteenth Street NW., by the Supreme Council 33° Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction, United States. My duties are those of a writer for the two publications of the council and such other duties as may be assigned me, some of which come within the purview of the immigration and naturalization laws.

This statement is presented on my own responsibility and in no sense is intended to represent the opinions or convictions of the council.

I regard Public Law 414, the revised law relating to immigration, naturalization, and nationality of the Eighty-second Congress, as one of the most impor-

tant pieces of legislation of that Congress. My remarks are directed to only certain features of the law, and my reasons for my thinking are within these points:

First. The law brings under a single code the Immigration and Naturalization Acts of 1917, 1921, 1924, and amendments thereto, without adversely affecting the well-established policy of fixing quotas based on the national-origin principles. In fact, these features have been amplified and strengthened. Thus assembled, this legislation, with certain additions, has become clear, definite, and specific in well-formulated meaning. In other words, the vast array of law *supra*, a veritable labyrinth of acts and amendments, has become under the act of 1952 a comprehensive and intelligible digest of our immigration and naturalization law.

Second. In the retention of the national-origin plan set forth under provisions of section 11 in the Immigration Act of 1924, the new law restricts immigration to a maximum of approximately 155,000 annually. The annual quota of any quota area is thus fixed at one-sixth of 1 percent of the number of inhabitants in the continental United States, as the same appears in the United States census report for 1920.

Third. The act wisely apportions allocations of immigrant visas within the quota of quota areas as follows: (1) The first 50 per centum of the quota of each quota area for each year, plus any portion of such quota not required for issuance of immigrant visas to the classes described in the 30 and 20 per centum allocations below, are available to those whose services are determined by the Attorney General to be urgently needed in the United States because of their high education, technical training, specialized experience, or of such exceptional ability as to be substantially beneficial prospectively to the national economy, cultural interests, or welfare of the United States. Within this allocation may come qualified quota immigrants who are the spouses or children of any immigrant above defined. (2) The next 30 per centum of the quota for each quota area for each year, plus any portion of such quota not required for the issuance of immigrant visas to classes described in 50 and 20 per centum allocations, shall be available to qualified immigrants who are the parents of citizens of the United States, who shall be at least 21 years of age. (3) The remaining 20 per centum of the quota for each quota area, plus any portion of such quota not required for the issuance of immigrant visas to classes described in per centum allocations 30 and 50, shall be available for the issuance of immigrant visas to qualified quota immigrants who are the spouses or children of aliens lawfully admitted for permanent residence. (4) Any portion of the quota for each quota area for the year, not required for the issuance of immigrant visas to the classes described in the above per centum allocations, shall be available for the issuance of immigrant visas to other qualified quota immigrants chargeable to such quota. Qualified immigrants of each quota area who are brothers, sisters, sons, or daughters of citizens of the United States shall be entitled to a preference of not exceeding 25 per centum of the immigration visas available for issuance for each quota area under this paragraph.

Aside from the provisions in paragraphs (2), (3), and (4) of section 203, above related, there are many other sound provisions in the act affecting the entrance of aliens where, under the national-origin plan, the quotas are low, and which provisions make for friendliness between the United States and certain foreign countries where the quotas are low. From the many, I quote the following in point:

Paragraph (2) of section 202 provides that if an alien is chargeable to a different quota from that of his accompanying spouse, the quota to which such alien is chargeable may, if necessary to prevent the separation of husband and wife, be determined by the quota of the accompanying spouse, if such spouse has received or would be qualified for an immigrant visa and if the quota to which such spouse has been or would be chargeable is not exhausted for that fiscal year.

Paragraph (4) of section 202 provides that an alien born within any quota area in which neither of his parents was born and in which his parents had a residence at the time of such alien's birth may be charged to the quota area of either parent. Thus, technicalities are not invoked to the disadvantage of the alien immigrant.

Fourth. Section 212 of the act contains all that could be desired as to the ineligibility of aliens. Certain severe restrictions may be modified within the discretion of the Attorney General.

Section 243 (a) should be made less severe by providing that where an alien is unlawfully in the United States, due to his or her escape from a country because of political persecution and life threatened, such alien may be permitted to depart to the country of his choice regardless of whether such country is contiguous to the United States, and such alien should be permitted to make more than one designation in determining his departure.

Fifth, A review of past legislation on immigration and naturalization and the new law thereon will disclose that the latter has gone a long way toward the admittance of immigrants with special skills, education, and culture, while at the same time limiting and restricting those who may be admitted to take jobs, positions, and employment where there are no citizens qualified to fill them. Moreover, the new law has taken a sound step forward to remove race as a bar to citizenship. This is noted with respect to the Orient, in letting the bars down in a limited way in that broad expanse known as the Asia-Pacific triangle, that area defined as "comprising all quota areas and all colonies and other dependent areas situate wholly east of the meridian 60° east of Greenwich, wholly west of the meridian 165° west and wholly north of the parallel 90° south latitude." All minimum quotas within this triangle shall not exceed 2,000 in any fiscal year.

However, I do not share the opinion that the national-origin principle should be discarded and our doors of immigration and naturalization opened to the influx of humanity regardless of race, culture, and political ideology. Neither am I of the opinion that the national-origin plan should be modified so as to allow the low-quota areas to absorb the quotas of those quota areas which are high and do not use all of their quota.

To illustrate: Included within the northwestern area are Great Britain and Northern Ireland with a quota visa of 65,700; Irish Free State, formally under the British quota, with some 18,000; Germany, 26,000, and the rest for that area allotted to Sweden, France, the Netherlands, Norway, Switzerland, Denmark, and Belgium. To eastern and southern European countries, about 25,000 visas are allotted; 6,500 to Poland, 5,800 to Italy, 2,800 to the Soviet Republic, 2,700 to Czechoslovakia, and the rest for that area to Yugoslavia, Albania, Hungary, Austria, Greece, Bulgaria, Turkey, Portugal, and Spain. Only a relatively small percentage of the quotas are used by Great Britain and a few other countries in western continental Europe, whereas in the eastern and southern European countries they are usually all used, and in some countries long lists of applicants for visas have been filed, the last names of which will not be reached for several years. It is argued that such quotas as are not used in any fiscal year, by any country, should be reallocated to those countries having quotas less than 7,000. In this manner, it is claimed, all of the close to 155,000 immigrant visas allowed under the national-origin plan could be used up and none wasted, as it was stated, since, under previous acts and public law, quotas are not transferable.

By some, the present mode of allotting immigrant visas is made to appear unfair to eastern and southeastern European countries, and discriminatory from racial and nationalistic points of view, over that area.

This contention is not sound. The national-origin plan was established (1) because it was found that the great influx of nonassimilatory peoples from the southern and eastern areas of Europe was breaking down the early culture of the United States; (2) because people from the British Isles and northwestern continental Europe were the first to brave the dangers of early settlement of America, dangers involving a very great number of deaths on board of crowded, unsanitary ships en route, as well as hardships after landing which resulted in many deaths; (3) because of their similar basic culture and root language, and their transcendent genius (particularly that of Great Britain) for democratic processes in government, they brought forth a nation 170 years later which became a marvel and a model for the world, and it became, thus, the right and the duty to themselves and to civilization to preserve their culture and system of government.

It is not denied that the nationals who sought entrance to our shores from eastern and southeastern Europe did contribute helpfully in racial blood mixtures, and to the wealth and to the development of the sciences and industries of the country. On the other hand, with their many different ideologies and religious ideas, free democratic Government could never have risen to the level it has in this country. This is observable in the fact that the countries in the eastern and southern Europe, with the single exception of Czechoslovakia, have made little progress in developing democratic processes.

I can find little in my thinking to induce me to give credence to the need for breaking down the national-origin plan for any of the alleged purposes. Certainly we should not open our doors to the hordes of humanity because such action would allegedly aid the world struggle between democracy and totalitarianism. It takes a long time to inculcate the principles of democratic institutions in the minds of those accustomed to the culture of eastern and southern Europe, and to that of Asia and the Near East. Our public schools, it is true, make for homogeneity and understanding of our social and democratic customs, but vast numbers of the children of this country are being educated in certain private schools whose interests derive more from the culture of southern Europe than those of America. Moreover, these same interests and a number of citizens of foreign countries maintain newspapers which are read by those who seldom read our daily papers and magazines.

We are told that the national origin principles offend other nationals who are unable to enter the United States in numbers to suit them. If our immigration and nationalization laws are an affront to such nationals, then let them console themselves understandingly, by the thought that if they had not been barred to some extent and had not remained away in earlier years, when the coming was not so pleasant and was hazardous and hence not profitable to them, we could not have developed a society that has become so inviting to them. They would have destroyed by their very numbers and unadaptableness, our free institutions. Indeed, it is held by very keen observers today, that there is far too much of the culture of eastern and southern Europe, which is being cultivated in the schools and in the press of certain aliens in our large cities. This makes for a static situation deleterious to assimilation and to knowledge of our principles of government and the advantage of our free institutions.

There are many large areas in Australia, Africa, and South America, awaiting the same characteristics that were possessed by the early settlers of our country, and these areas can be developed with far less danger and hazard than was experienced by the early settlers of America, or even by the western pioneers; and let me venture to state, with far greater returns, in the end, than the alien would receive in the United States.

As stated, my remarks are directed to only certain features of Public Law 414. By and large I am pleased with the features covered in this paper. There are doubtless provisions which should be deleted, made more flexible and easier of administration, but they should be permitted to rest for the time being. No law ever pleased all who were affected by it.

I extend thanks and appreciation for the opportunity to present the above.

ELMER Z. ROGERS.

STATEMENT SUBMITTED BY BEN TOUSTER, PRESIDENT, HEBREW SHELTERING AND IMMIGRANT AID SOCIETY

Mr. Chairman, and members of the President's Commission, the Hebrew Sheltering and Immigrant Aid Society, known as HIAS, was founded in 1884. It provides shelter and assists Jewish immigrants in all phases of immigrant aid throughout the world. Its offices have been and are maintained in major cities in the United States, in parts of Europe, in the Far and Middle East, in South Africa, and in South America. HIAS is one of the oldest, if not the oldest, of all the voluntary agencies interested in immigration and nationality problems. Throughout its many years of service, HIAS has cooperated with the major Government and intergovernmental bodies concerned with refugees including the Nansen office, the High Commissioner on Refugees from Germany, the Intergovernmental Committee on Refugees, the United States War Refugee Board, and the United States Displaced Persons Commission.

We deeply appreciate this opportunity to cooperate with the President's Commission on Immigration and Naturalization and to present our views relative to the immigration and naturalization policies which the United States should follow.

HIAS urges not only the repeal of the McCarran-Walter Omnibus Act (known as Public Law 414 of the 82d Cong., or the Immigration and Nationality Act of 1952) but also the adoption of laws and regulations which will apply realistic, humane, and equitable standards in our selection and treatment of immigrants, resident aliens, and naturalized citizens.

The national origins quota system of the present immigration laws is anachronistic, fallacious, and vicious. It cannot be defended except upon the fully

discredited theory of racism and it flies in the face of the fundamental principle that an individual is to be judged only upon his own personal merit and not upon the color of his skin or the place of his birth.

The discrimination in our present nationality laws between native-born citizens and naturalized citizens creates a second-class citizenship contrary to every principle of equality before the law.

The deportation of aliens who have legally immigrated, as permitted by our present laws, involves the repugnant practice of exile and constitutes a cruel and unusual punishment which was proscribed by the founding fathers.

In the Councils of the United Nations, over the opposition of totalitarian governments, we proposed that no one be discriminated against because of race or national origin, that no one should be arbitrarily subjected to detention or exile, that everyone should be permitted to enjoy the right of asylum from persecution in other countries, and that no one should be deprived arbitrarily of his citizenship. Our country pledged itself to the Universal Declaration of Human Rights, which was officially adopted and proclaimed by the General Assembly of the United Nations on December 10, 1949. That declaration contains the following provisions:

"Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

"Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

"Furthermore, no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing, or under any other limitation of sovereignty.

"Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. * * *

"Article 9. No one shall be subjected to arbitrary arrest, detention, or exile.

"Article 14. (1) Everyone has the right to seek and enjoy in other countries asylum from persecution.

"Article 15. (1) Everyone has the right to a nationality; (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."

These were among the fundamental rights which the United States advocated before the United Nations. These were the principles to which we pledged ourselves. But we preached one doctrine before the United Nations while we followed another in our immigration and naturalization laws.

Our immigration and naturalization laws do not permit us to treat aliens or even American citizens in a spirit of brotherhood. They do not treat everyone without distinction as to race, national origin, or birth. They sanction arbitrary arrests, detention, exile, and deprivation of nationality. They do not authorize asylum for those fleeing from persecution. On the contrary they violate every one of these noble principles. Because these laws contain arbitrary provisions for exclusion, deportation, denaturalization, and expatriation; because they authorize procedures which are arbitrary; because they vest consuls and immigration officials with arbitrary powers; because their entire approach is contrary to the spirit of the Universal Declaration of Human Rights; and because they will embarrass us at home and abroad in our quest for stability and world peace, HIAS urges that they be scrapped and that a new approach be adopted consonant with our needs at home and abroad in harmony with our principles of nondiscrimination and consistent with our position as a leader among nations.

I. THE EXCLUSION AND ADMISSION PROVISIONS OF OUR LAWS ARE ARBITRARY

(A) *National origin, racial, and colonial restrictions*

Under our quota laws which have been reenacted in slightly modified form in the Immigration and Nationality Act of 1952, immigrants are divided into four categories.

In category 1 are the non-Asiatic natives of Canada and independent Western Hemisphere countries who are granted nonquota status and permitted to enter the United States regardless of numerical limitation.

In category 2 are Asiatics who are chargeable to small racial quotas regardless of the place of their birth.

In category 3 are those born in colonies who are charged to small quotas of 100—a new provision of Public Law 414 (202-c) which will restrict immigration from the British West Indies (S. Rept. 1137, pt. 2, 82d Cong., 2d sess., p. 5).

In category 4 are the quota immigrants of Europe and the rest of the world to whom some 154,000 quota numbers (less the amounts allocated for the two immediately preceding categories) are distributed upon the basis of national origin. Upon the basis of national origin of our population in 1920, quota numbers are allocated to each nation of the world. An alien is compelled to take a quota number from his country of nationality at birth. The national origin provision of our law admittedly discriminates against those who were born in southern and eastern Europe (veto message of President Truman, H. Doc. 520, 82d Cong.). The national origins theory is predicated upon the assumption that those from southern and eastern Europe present a lower percentage of inborn socially adequate qualities than those endowed with Nordic culture (report of Dr. Henry H. Laughlin, hearings, House Immigration Committee, 67th Cong., 3d sess., Nov. 21, 1922, p. 729 et seq.) This assumption, which is at the very foundation of our quota system, has been properly denounced as a law in keeping with the theories of Nazi Germany, in conflict with the Charter of the United Nations, as racially biased, statistically incorrect and a clumsy instrument for selection which bars individuals by discriminating against nations. It overlooks the innate differences among individual members of a group and it confuses racial traits and cultural attainments by identifying both physical and mental development of individuals with their countries of birth (see H. Rept. 350, pt. 2, 68th Cong., 1st sess.; press release, Earl G. Harrison, Department of Justice, July 20, 1944; Howard Woolston, *Wanted—An Immigration Policy*, 2 *Journal of Social Forces* 666).

Thus today we have, and after December 24, 1952, we will have, an immigration law which discriminates between individuals because of their race, because of their national origin, because of the place of their birth, and because of the status of the territory to which they belong. These discriminations are condemned by the Universal Declaration of Human Rights. They are arbitrary and contrary to the principles of our Declaration of Independence, with the spirit of our Constitution, and the democratic ideals for which we stand. We cannot maintain these arbitrary standards, these discriminations against other friendly nations which can only breed discontent and hostility in our relations with them. These undemocratic theories which have crept into, and remain in, our immigration laws must be removed not only to facilitate our international relations but also to fulfill the promise that we will treat all men as created equal. Our experience with nonquota Western Hemisphere immigration, our history, our traditions all indicate that we can admit to the United States 154,000, and even 300,000 quota immigrants annually, without discrimination as to race, religion, or national origin.

(B) Selection of immigrants

No one can take issue with a reasonable system for the selection of immigrants which is based upon fair, equitable, and definitive standards. But when our immigration system is infused with standards which are vague, which depend upon the personal opinions, or predilections of the men administering our laws, then we abandon our democratic form of jurisprudence and permit a government of men and not of laws.

We are a nation of immigrants. Throughout our history, immigration has produced new jobs, new consumers, and new forms of industrial expansion. Immigration has brought to the United States the wealth and talents of every nation and culture in the world. Immigration has brought to America industrialists like Andrew Carnegie and William Knudsen; scientists like Alexander Graham Bell, Albert Einstein, and Enrico Fermi; men of letters like Morris Raphael Cohen, Henrik Van Loon; artists like Arturo Toscanini, Walter Damrosch, and Jascha Heifitz; jurists like Felix Frankfurter; and statesmen like Senator Robert Wagner and Congressman Adolph Sabath. How many of these would have been able to qualify for admission to the United States under the selective system of the McCarran-Walter Act? Unless they had close relatives here or unless they could secure approval in the national interest at the time of their application for admission, they would be likely to find no nonpreference portion of the quota available to them. Apart from such outstanding contributors to our national welfare and national wealth, what about the equally important little-known persons of foreign birth who helped to clear our forests, to build our roads, railways, and bridges, to mine our coal and metals, and to

erect our homes, industrial plants, and towering buildings? If America is to grow, it still needs people such as these. Yet provision is made in Public Law 414 for exclusion of laborers where the Secretary of Labor certifies that there are sufficient available workers (sec. 212-a-14)—a provision based upon the misconception that unemployment is dependent upon the population of a country—a theory rejected by reputable economists. These provisions are not in our own best interests. They are unreasonable.

Exclusion of aliens, whether based upon the likelihood of their becoming public charges or any other basis, should not ultimately rest upon the opinion of a Government official. No one should be vested with absolute discretion to act arbitrarily. Arbitrary and despotic power has no place in our way of life. Nor should exclusion be based upon such vague standards as "psychopathic personality" or "prejudicial to the public interest." The Public Health Service reported that the term "psychopathic personality" was vague and indefinite (H. Rept. 1365, 82d Cong., 2d sess., p. 46), and President Truman has commented upon the lack of standards for applying so sweeping an expression as "prejudicial to the public interest" (H. Doc. 520, *supra*, p. 6). Not only do these vague concepts result in confusion and difficulty in the administration of our immigration laws, with resulting hardship to aliens and their American families, but they encourage the opinion abroad that our Government officials as well as our laws are despotic, arbitrary, and dictatorial. This is no way to advertise the advantages of democratic government. It is no way to fight the arbitrary governments and dictatorships of Europe.

Exclusion should not be based upon arbitrary yardsticks, such as two crimes not involving moral turpitude, a previous attack of insanity no matter how remote in the past, immoral conduct far removed in point of time, or past membership in an organization now deemed subversive. We should be concerned with the present caliber of the individual. If a person can establish his present moral responsibility, his good health, and his attachment to the principles of democracy, his sins or defects of the past should not deprive us of his talents and abilities. Exclusion should not be based upon misrepresentations in securing documentation not intended for obtaining a visa to the United States in view of the pressures exerted upon humans in this terror-torn world to escape from persecution, want, and fear.

Exclusion should not be based upon the admission of crimes or of acts constituting crimes—a provision which is administratively unworkable. The laymen who staff our consulates are not equipped to learn foreign criminal laws or to elicit admissions of crimes or to evaluate acts which constitute crimes under foreign law.

(C) Exclusion without a hearing

Finally, we should abolish the undemocratic procedure, adopted since 1941, of excluding people without a hearing. There is no more arbitrary provision of our law. This procedure was adopted in 1941 in order to keep spies and saboteurs out of the United States. During the period 1941-45, the procedure was not invoked in more than about six or eight cases. So limited, the procedure, although indefensible in principle, resulted in very little harm. Since 1945, the denial of hearings has been frequently utilized to keep out bona fide refugees, to separate families, and to exclude GI brides. According to the testimony of Almanza Tripp (before the Senate Immigration Committee on February 15, 1950, in connection with the amendment of the Displaced Persons Act), exclusion without a hearing is employed where evidence is weak, unreliable, and unable to withstand litigation or cross-examination in the courts. Mr. Tripp testified at pages 664-665 as follows:

"In the first place, there are almost no cases where we have absolute proof that a person is subversive. We have had many cases where there is doubt. Now of the doubtful cases, I have referred probably between 5 and 10 to our central office under a special procedure provided for by section 175.53 and section 175.57, S. C. F. R., which authorizes the Attorney General to exclude without hearing.

"So, in those cases, even though the evidence is weak—although in some cases it is a little stronger than others—I am reluctant to pass them unless we can prove that that person is a good security risk.

"Now some of the information from central registry might allege that this particular displaced person has been engaged in communistic activities * * *. The source of the information is no longer available. Now when we have a case of that sort where central registry contains something of a derogatory nature, I do not believe we should make a finding of admissibility until it is

disproved. But the evidence that they had in central registry would not be sufficient to exclude by the normal board of special inquiry proceedings because those proceedings must be conducted in a manner in which they could not be subject to attack in a court of the United States.

"You may say that it is unfair to the applicant not to give him that protection, but you must remember that the applicant is an applicant. He has no rights. I think it is well within our province to select only those whom we feel are desirable."

This merely confirms what was established in the case of Ellen Knauff, that remote, uncorroborated hearsay accusations led to the use of the star-chamber device of "exclusion without a hearing." The provisions should be removed from our immigration law. (See the Ellen Knauff Story and Must Liberty Bow Her Head in Shame, August 1952 Reader's Digest.)

(D) Suspension or restriction of immigration

Section 212 (e) of Public Law 414 grants power to the President to suspend immigration entirely, or to suspend the immigration of a class of aliens when he finds that such immigration would be "detrimental to the interests of the United States." Not only is this grant of power in sweeping terms but it is one based upon the vaguest of standards. Constitutional lawyers may well question whether this is a proper delegation of powers to the executive branch of the Government. Only recently the Supreme Court noted in *Youngstown Sheet & Tube Co. v. Sawyer* (343 U. S. 579), that the founders of our Nation entrusted the lawmaking power to Congress alone. Apart from such considerations, we believe that there is neither occasion nor necessity for this provision. It is unwise. If an emergency should arise necessitating suspension of immigration, Congress can at the appropriate time make suitable provision. Similarly we believe that section 215 (a) improperly delegates authority to the Executive to prescribe additional conditions upon the entry and departure of citizens and aliens. Although limited to wartime, national emergency, or when any two states are at war, this provision establishes no standards, and furnishes no guide as to what additional conditions may be imposed. The constitutionality of this section is now under attack in the District Court for the District of Columbia in the case of *Han-Lee Mao v. McGranery* (Civil Action No. 2391-52).

HIAS likewise calls attention to section 243 (g) which authorizes the denial of visas to nationals of a country which delays or denies the acceptance of a deportee. Such authority does not punish a country for any alleged improper act but inflicts hardship and suffering upon its innocent nationals who may be the parents or spouses of American citizens. Nothing is accomplished by such provisions except to provide arbitrary instruments for cruelty to fellow human beings.

(E) Board of Visa Appeals

Consuls of the United States are compelled to perform manifold duties abroad. In addition to visas and passport matters, they are assigned to protect the interests of our citizens and our national interests abroad. Many consuls are persons selected from the business world. Others are fresh out of college. A limited few may be lawyers. They receive no extensive training in our complicated immigration laws and citizenship laws. They may have a background ranging from excellent to poor in these matters. Considering that their job assignments rotate on visas and on other matters, their work is surprisingly well done. But it is not done in the expert manner in which specialists in the field of immigration and in the departments in Washington can perform. Under these circumstances, it is essential to prevent arbitrary, unjust, and improper decisions, that consular rulings be reviewed. To insure fairness and American justice, we should have an independent statutory Board of Visa Appeals to which all adverse visa decisions can be appealed.

II. DEPORTATION EXCEPT WHEN ENTRY IS BASED UPON FRAUD SHOULD BE ABOLISHED

Our practice of subjecting aliens to deportation, even when they have legally entered the country, has long been a disgraceful aspect of our immigration laws. Generally, deportation has been because of irregularities in entering the country, whether the entry was fraudulent or not, or because of a crime committed by the alien after he has entered the country, no matter how long after. There is no adequate justification for subjecting aliens to this cruel and unusual punish-

ment. The deportation solves nothing and often inflicts punishment not only on the alien but on his family who may, in fact, be citizens. If we can deal with our citizens without exiling them, then there is no reason why we cannot deal with our aliens without deporting them.

The deportation provisions of Public Law 414 epitomize man's inhumanity to man. An alien with dependent family ties in the United States, residing here for many years, is made deportable retroactively and without statute of limitations, upon the vague standards contained in the exclusion provisions of the law. And if he should, for instance, visit Tijuana for lunch, or spend an hour on the Canadian side of Rainbow Bridge sightseeing in Niagara Falls, his return is treated as though he is coming to the United States for the first time, subject to all exclusion and deportation provisions of the law. Is this a reasonable or even a necessary way to treat human beings?

Deportation should be evaluated in the light of its terrible consequences. Justice Brandeis recognized that deportation "may result also in loss of both property and life; or of all that makes life worth living." (*Ng Fung Ho v. White* (259 U. S. 276, 285)). Judge Augustus Hand observed that for an alien "however heinous his crimes, deportation is to him exile, a dreadful punishment, abandoned by the common consent of all civilized peoples. Such, indeed, it would be to anyone." (*U. S. ex rel. Kloris v. Davis* (13 F. 2d 630)).

Instead of becoming more civilized and more lenient about deportation, our laws are becoming more severe and more barbarous. Public Law 414 abolishes most statutes of limitations. It makes past conduct, no matter how far removed, a retroactive ground for deportation (sec. 241-d). An alien's failure to notify the Attorney General of his change of address may result in arrest and deportation proceedings (sec. 241-a-5). An alien who innocently entered the United States with proper documents and was otherwise admissible is illegally in this country solely because the transportation line which brought him to contiguous territory failed to sign an appropriate agreement with the Attorney General (sec. 241-a-10). Conviction for mere possession of a firearm, even in the case of an alien who in good faith uses a hunting weapon without a license, compels deportation (sec. 241-a-14). The Attorney General is granted authority to deport aliens who commit specified crimes regardless of whether they involve moral turpitude upon the vague standard that he find them undesirable (sec. 241-a-17). Past membership or affiliation in organizations now deemed subversive, no matter how innocent such membership was at the time, no matter how far removed in the past, no matter what the moral worth of the individual today, subjects him to deportation (sec. 241-a-6), and a contribution of 90 cents in 1934, as in the widely publicized case of Mr. Latvia, conclusively establishes that an alien advocated the principles of a subversive organization and was affiliated with it (sec. 101-e; *Latva v. Nicolls* (21 Law Week 2093)). A person who becomes a public charge within 5 years of entry as determined subjectively by the opinion of the Attorney General, is subjected to deportation proceedings even though after the 5-year period he rose from pauper to riches (sec. 241-a-8). And in the spirit of the Alien and Sedition Act of 1798, as noted by President Truman (H. Doc. 520, supra, p. 6), an alien is to be deported upon the vague and undemocratic standard that he has had a purpose to engage in activities "prejudicial to the public interest" or "subversive to national security" (sec. 241-a-7).

Provision is made to deport certain types of aliens without a hearing (secs. 242-f, 252-b). For the first time in our history, authority is granted to enter a deportation order in absentia (sec. 242-b). The Attorney General may arbitrarily deny bail to an alien if his deportation hearing is proceeding with reasonable dispatch, even though months or a year may elapse to secure necessary documents from abroad (sec. 242-a). The Attorney General is also given absolute dictatorial power to detain an alien for 6 months after the entry of an order of deportation, even though deportation to any country may be impracticable (sec. 242-c). Provision is also made to deport an alien to any country which will accept him, even if he has never resided there and even if such country is one whose customs, language, religion, and laws are strange if not antithetical to the alien's beliefs and background. Even the provisions preventing return of an alien to a country in which he will be physically persecuted have been altered to vest uncontrolled discretion in the Attorney General (secs. 243-a, 243-h).

To these observations HIAS additionally calls attention to the removal of the present and past provisions for suspension of deportation, preexamination, and seventh proviso and the inclusion of a provision for revocation of suspension upon an appearance "to the satisfaction of the Attorney General" that an alien was not eligible for suspension (sec. 246). Suspension of deportation, preexamination, and seventh proviso were humane provisions, placed in the law to relieve

hardship cases and to permit deserving aliens to adjust their status to permanent immigrants. Section 212-c, the new seventh proviso limited to lawfully admitted aliens, section 244, requiring either 5 or 10 years' residence and a showing of "exceptional and extremely unusual hardship," and section 245, which requires lawful status, an open quota, and at least 1 year of residence even for the spouse of an American citizen, rob our immigration laws of every vestige of humaneness which has developed since 1917. The hardship attendant upon separating families is not enough to grant suspension. It must be exceptional and extremely unusual hardship. One must measure degrees of suffering and torture, and only those who suffer the anxiety of mental and physical pain to the utmost may be relieved under this law. The rest must suffer exile, a dreadful punishment abandoned by the common consent of all civilized peoples.

HIAS believes that all deportation laws (except in cases in which immigration was secured by fraud) are disgraceful, indecent, and inhuman. In peacetime, Australia, noted for its arbitrary immigration laws, grants complete immunity from deportation to the alien who has 3 years of residence. Frazer, *Control of Aliens in the British Commonwealth of Nations*, page 134. "In Belgium, Brazil, and other states certain categories of aliens are exempt, particularly those who by residence or marriage have identified their interests with the state. * * * In Venezuela, and other Latin-American countries expulsion is often limited by the law to transient aliens. * * * The rule is becoming general that domiciled aliens shall not be expelled even as a penalty for crime." Borchard, *Diplomatic Protection of Citizens Abroad*, page 50.

Instead of following our pledge against arbitrary exile set forth in the Universal Declaration of Human Rights, instead of following the lead of other democratic countries, instead of a deportation law limited to persons who enter the country by fraud, we now have on the books a law which is fashioned as an instrument of cruelty to aliens, a law which should be abandoned by a country which seeks to spread democracy and fight arbitrary despotism.

HIAS believes that any alien who has legally entered the United States for permanent residence should thereafter not be subjected to deportation unless the original entry was based upon fraud. Deportation procedures in these cases should be just and fair. There should be complete separation of those who investigate and prosecute and those who sit in judgment (as contemplated by the Administrative Procedure Act) and there should be adequate right of appeal.

HIAS believes that any alien in the United States who is of good moral character and who has an American or legally resident alien spouse, child, parent, brother, or sister in the United States, should be eligible for permanent residence without regard to quotas, nationality, race, religion, or sex. Furthermore, adjustment of status should be permitted without the necessity of leaving the country and without the cumbersome, time-consuming and unnecessary referral to Congress. HIAS believes that any nonimmigrant alien who has been in the United States for 5 years should be exempt from deportation. In short, HIAS believes that our immigration laws should facilitate adjustment of the status of those who have identified themselves with the United States by residence or family relationships, that our laws should be humanized to assist assimilation of the foreign-born to the added strength and glory of the United States and that our immigration laws should not become snares and traps for deportation, banishment, and exile.

III. OUR DENATURALIZATION AND EXPATRIATION LAWS ARE ARBITRARY

The principle of equality among native-born and naturalized American citizens is one that was deeply rooted in the English common law prior to the framing of the American Constitution. (Coke on Littleton, folios 8-a, 129-a.) It was a principle which the framers of our Constitution recognized and accepted when provision was made for establishing a uniform rule of naturalization in Article I, section 8, clause 4. Accordingly, it was not surprising to note that as early as 1812 Secretary of State James Monroe advised the British Minister in Washington that:

"It is impossible for the United States to discriminate between their native and naturalized citizens, nor ought your government expect it as it makes no such discrimination itself."

The Supreme Court has likewise observed that "under our Constitution a naturalized citizen stands on equal footing with the native citizen in all respects save that of eligibility for the presidency" (*Lauria v. United States* (231 U. S. 9, 22, 24)). These quotations are but a sampling of the many expressions by the

courts and by the executive branch of our Government that we recognize no second-class citizenship in the United States.

Yet, in complete disregard of this well-established principle in our law and in our history, Public Law 414 continues the existing law which provides that a naturalized citizen shall lose his citizenship because he has been abroad for 5 years (sec. 352-a-2), and creates new hazards by providing that a naturalized citizen may wake up one morning to find that he is to lose his citizenship because the Attorney General is no longer satisfied that he was a fit subject for suspension of deportation (sec. 246-b) or because he has exercised his constitutional right to refuse to testify upon the ground of self-incrimination (sec. 340-a).

Public Law 414 arbitrarily deprives Americans of the priceless heritage of citizenship. The Attorney General is given the power to cancel citizenship certificates under section 342, not by personal service, not by court proceedings, but merely by sending a notice to a person's last-known address. Public Law 414 adds to the many grounds we have for expatriating American citizens. We have more grounds for revoking citizenship through expatriation than any other country in the world. We expatriate an American who takes a foreign oath of allegiance, assumes foreign naturalization, enters a foreign army, takes a foreign governmental job, votes in foreign elections, deserts our army, dodges the draft, commits treason, renounces American citizenship, or maintains foreign residence. In a speech in New York on May 20, 1950, Ruth Shipley, Chief of our Passport Division, complained that our expatriation laws should be revised to preserve American citizenship. She said:

"Certainly our treatment of our own American citizens causing them to become embittered against their country has been a source of comfort to Communist governments. They have direct contact with these abandoned Americans in countries such as Poland, Czechoslovakia, Bulgaria, Eastern Germany, and others.

"Take voting: In Denmark and in Norway all possible votes were necessary to turn elections against the Nazis; in Italy votes of Italian-Americans helped save that country from the devastating rule of communism; in Hungary and Rumania, and, I have no doubt, other countries, voting saved many from starvation by enabling them to keep their food-ration coupons. Yet these people lost their greatest treasure—American citizenship.

"Similarly, holding a job under the government of a foreign country, if one had also the nationality of that country, and only nationals were eligible for that position, caused loss of American nationality to hundreds of people serving our allies and friends in a desperate struggle. What is un-American in that? Moreover, even today it is often of great benefit to the United States to have American citizens in positions under foreign governments, particularly in countries in which there are substantial American interests.

"It is the duty of the Government to protect its citizens. Why, then, should we make stateless persons of these naturalized citizens—doctors, dentists, lawyers, clergymen, engineers, financiers—who work in third countries under the proud title of American doctors, dentists, etc., just because the calendar rolls up 5 years' residence abroad? Are they not really good neighbors promoting one of our great principles and raising the standards of life through their fine professional training in American institutions? And yet they are made stateless."

Public Law 414 did not remedy these defects in our law by considering the suggestions of the State Department on this subject. On the contrary, under sections 349 and 350, it is made easier for native-born American citizens as well as naturalized citizens to lose American citizenship by taking a job in a foreign state and by residence abroad. We have come to a point where we arbitrarily and unconscionably deprive persons of their American citizenship. It is time that we carefully examine why we should be the only country in the world to deprive someone of his birthright because he votes in a foreign election, and why we have more grounds for expatriation than other nations of the world.

Finally, Public Law 414 reflects an unwholesome disregard for court review by persons claiming American citizenship. Declaratory judgment actions under Twenty-eighth United States Code, page 2201, are curtailed under section 360. Court review is to be denied or infringed in the case of persons outside the United States, and those in the United States are restricted for the most part to habeas corpus actions which means that a citizen must first subject himself to incarceration by the authorities before he can go into court and seek a judgment of American citizenship. There is nothing wrong with the previous law which permits declaratory judgment actions by citizenship claimants. Why should we enact a law granting only limited or curtailed review of departmental

decisions which deny a man's American citizenship? No compelling reasons have been or can be advanced to make us believe that the arbitrary provisions of section 360 are necessary or desirable.

IV. CONCLUSION

HIAS has not attempted to enumerate exhaustively all of the defects of our immigration and naturalization laws or of the McCarran-Walter Act. Our aim has been to show that their approach is not in keeping with our ideals, our aspirations, our history, our traditions, and our democratic way of life. They do and will continue to do us harm at home and abroad if permitted to remain upon the statute books. Laws so violative of the Declaration of Human Rights will impede our work with the United Nations and furnish propaganda to the adherents of communism.

A law such as the McCarran-Walter Act cannot be amended. It must be repealed. In its place should be substituted a humane and equitable Immigration and Nationality Act, a law in keeping with the dignity and rights of man, a law written in the spirit of brotherhood, a law which will promote rather than discourage friendlier relations among nations, and a law which will disclaim arbitrary procedures, arbitrary exile, arbitrary detention, arbitrary exclusion of aliens, arbitrary discrimination, and arbitrary loss of citizenship.

To this end HIAS proposes that our immigration and naturalization laws be rewritten to provide:

A. Elimination of the national origins system and provisions for a minimum number of immigrants per year of approximately two-tenths of 1 percent of our population and a maximum of about four-tenths of 1 percent per year. A commission to be appointed by the President with the approval of Congress should make continuing study of pertinent domestic and international factors and should periodically fix the number of immigrants to be admitted each year between the minimum of two-tenths and the maximum of four-tenths of our population. Preference in immigration should be granted (1) to close relatives of United States residents, (2) to relatives within the third degree of consanguinity of United States residents, (3) persons of outstanding skill and merit, (4) persons to be granted preference by the Commission from time to time because of foreign-policy needs of United States and because of persecutions abroad which impel the flight of the victims thereof. After these preferences all other immigrants (within the numerical limits indicated) should be admitted in accordance with the date of their registration for immigration with an American official on a world-wide basis, without regard to race, creed, color, or national origin, on a "first come, first served" basis.

B. Standards of admission to the United States should both protect the interests of the United States and give fair and humane treatment to applicants for immigration. Arbitrary and unrealistic criteria for rejecting applicants and tests based upon distrust and fear should have no place in determining an applicant's fitness and his potential contribution to the welfare of our country. Realistic standards to prevent the admission of hardened criminals and those dangerous to our security can be worked out. Adequate appeal procedures which recognize the right of the applicant, his United States relative, or his United States sponsor to appeal from adverse decisions should be established.

C. One Government agency to concern itself exclusively with the administration of the immigration laws should be established and the issuance of visas and the admission of aliens should both be under its jurisdiction.

D. No person who has been admitted for permanent residence should be deported unless his entry into the United States was based upon fraud.

E. No nonimmigrant alien who has resided in the United States for 5 years, who is of good moral character and who has a citizen or resident-alien spouse, child, parent, brother, or sister should be deported; and inexpensive, rational procedures should be established to permit adjustment of the status of such persons.

F. Except for provision for denaturalizing those who obtain their citizenship by fraud all distinctions between naturalized and native citizens should be abolished.

STATEMENT SUBMITTED BY D. AITCHISON, M. D., D. D., D. C. L., MINISTER AND MEDICAL MISSIONARY, TAKOMA PARK, MD.

Gentlemen, I dropped in to hear the evidence presented in the National Archives Building; and listened to a representative of the Sons of Italy. He said

that all races should have the same quota—in other words, all men are equal. He would flood the United States with the black and yellow orientals, also the mulatto, Latin, and Near East, South Americans, and African blacks. What would become of the white Anglo-Saxons of the Nation? They would be wiped out and a mongrel hybrid produced like the Latins, Near East, and South Americans. What demoralization of the young Anglo-Saxon mothers.

Let me state that the Latin, Near East, South Americans, orientals, and Africans are the leaders in the production of crime. That clenches the fact that a quota system proportioned to the races, is vital to the interest of the Nation. I would say that all orientals, Africans, and other black and yellow countries should be excluded, except for educational purposes; and that the southern European, Near East, South Americans, and southern Russians should have their quotas cut to 50 percent of the present quota.

And religion plays a major role in the production of crime; hence popery is the world's greatest gambling and production of crime; also the Jews are 80 percent Communists; so in determining the quota of each nation, the religious affiliation of the quota should be investigated because of their subversive activities.

Do you know that 70 percent of all criminals executed for crime are members of the Roman Catholic Church and that the criminals of the country are the worst and greatest among the Italians? Yes, the quota system should surely be guarded.

May I state that the Attorney General has too much power; also the allopathic Surgeon General. The bill does not expressly state that the defendant shall have a jury trial, a constitutional guaranty. And it also states that in the killing or assaulting an officer, that the defendant shall be guilty of a felony. It should read: If the officer is the aggressor and the defendant is acting in self-defense, then the defendant shall not be guilty of a violation of said statute.

STATEMENT SUBMITTED BY WELBURN MAYOCK, ATTORNEY REPRESENTING THE AMERICAN PRESIDENT LINES, LTD.

MAYOCK & MAYOCK,
Washington, D. C., November 6, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Washington, D. C.
(Attention: Mr. Harry N. Rosenfield.)

MY DEAR MR. ROSENFELD: I am enclosing herewith a copy of the written testimony I presented to the Committee on the Judiciary of the United States Senate when it was conducting hearings on the present immigration and naturalization bill.

It is directed to the subject of "detention expenses." I have been informed that your Commission is interested in this subject matter in its present investigation of the immigration and naturalization laws. My company has requested me to make my views on this subject known to you. As stated in our telephone conversation, the enclosed testimony is a rather complete expression of our position.

Very truly yours,

WELBURN MAYOCK.

TESTIMONY OF WELBURN MAYOCK, APPEARING AS COUNSEL ON BEHALF OF AMERICAN PRESIDENT LINES, LTD., BEFORE THE COMMITTEE ON THE JUDICIARY OF THE UNITED STATES SENATE

My name is Welburn Mayock. I am a lawyer licensed to practice my profession in California and in the District of Columbia. My local address is the office of Mayock, Wheeler & Scoutt, 511 Kass Building, 711 Fourteenth Street NW., Washington, D. C. I appear as counsel on behalf of the American President Lines, Ltd., 311 California Street, San Francisco, Calif. My testimony will deal almost exclusively with section 233 of S. 716 and its counterpart, section 233 of H. R. 2379. The text is identical in both bills.

The subject matter I wish to discuss is detention expenses of immigrants and citizens of the United States assessed against carriers or their agents.

The practice of making a carrier responsible for expenses of immigrants during the time the immigration officers investigate the propriety of their admission to the United States grew out of the practices of the past—long before we had any

comprehensive immigration laws. In those days, steamship companies, hungry for business, scoured the byways of Europe for prospective passengers and took abroad anyone who could accumulate enough money for steerage passage. As a result, the United States was made the dumping ground for the morally and physically unfit citizens of the various countries of Europe.

To prevent this practice, a law was passed setting up financial hazards to those carriers who were bringing undesirables to America. Principally for the protection of the United States and also for the protection of the victimized immigrants, the carrier which brought over undesirable immigrants was made to pay for expenses of detention for such immigrants while their fitness was being determined and to pay also for their passage home in the event they were forbidden to land. These hazards were sufficient to terminate most of the evils they sought to curb.

Later, immigration laws were passed; quotas were established; and screening of immigrants was undertaken by the Government itself through its consular offices at the points of embarkation. Under these laws, the old practices, current in the days of indiscriminate immigration, were no longer possible, and the evils have long since disappeared. No immigrant is now allowed to buy a ticket for transport to the United States unless he has a visa or travel papers issued in lieu thereof signed by a consular officer at the point of embarkation. The proposed immigrant is given a physical examination by doctors chosen by the consular agent before the visa or travel documents are issued.

Notwithstanding these precautions, carriers are still being penalized for detention expenses of the immigrants when they reach a United States port. The problem of the American President Lines, Ltd., is almost wholly concentrated in San Francisco. The immigrants involved are mostly orientals, since our company is the principle carrier between the United States and Asia.

The reason for the rule for making carriers financially responsible for detention expenses has ceased to exist. Changes in immigration laws and practices have made the old abuses impossible. Yet, carriers are still being penalized in large amounts for detention expenses when they have done no wrong, and have been guilty of no offense, but, on the contrary, have fully complied with all rules and regulations governing the transportation of immigrants from foreign shores.

In the last 5 years, American President Lines, Ltd., has paid an estimated \$550,000 in detention expenses for aliens and citizens treated as aliens who came on its vessels. The immigrants were detained for additional screening by the immigration officers. Each of such immigrants carried a visa or travel documents signed by a consular official. Each immigrant had been examined medically by the consular service before he was allowed to secure passage. Some of these immigrants were detained for months—even as much as a year—at the expense of the company. This tremendous expense was assessed although we had done no wrong, had been guilty of no negligence, but had simply performed our legal duty as a public carrier in receiving and transporting persons duly screened and documented for passage by consular officers of the United States.

Section 233-C of each of the bills goes a long way toward curing this old wrong. Detention expenses are not to be assessed if the passenger has an unexpired visa or travel documents signed by consular officers. But, a second qualification is set forth which, I believe, is unnecessarily burdensome and which can, I fear, deny us in fact the relief we are granted in form. The section as written charges the carrier with the burden of providing to the satisfaction of the Attorney General that the grounds of detention as to each immigrant could not have been ascertained by the exercise of due diligence prior to embarkation. This is the same as making a defendant in an automobile accident case prove his diligence at the time of the accident to the satisfaction of the plaintiff? Obviously, if the plaintiff were satisfied with the defendant's conduct, he would not have brought the suit. The statute puts the carrier at the mercy of a whim of its adversary—because in this situation the position of the carrier and that of the Department of Justice is adversarial. An obligation has been incurred and the question is, Who is going to pay the bill?

The statute states that the carrier must pay unless his adversary—to wit, the Attorney General—is satisfied that the carrier used due diligence. The fact that the Department of Justice detains the immigrants for further investigation proves that, at the inception of each particular case, the Attorney General, or his subordinates, is already dissatisfied. The statute, as written, gives the carrier the form of relief from present wrongs, but denies the substance of that relief.

It would be vain to rely on the theory that a public officer will do his duty impartially and take an objective view of the matter to the end that justice will prevail. Human beings are just not built that way. We don't deal with a theoretical official when we are confronted with an immigration official presenting his bill for detention expenses; we deal with a human being who is subject to ordinary human frailties. No one is impartial when he himself is a contestant.

The circumstances of the contest itself preclude the possibility of impartiality. That is why centuries of jurisprudential precedent sustain the legal maxim: "No one shall be a judge in his own cause." The lack of impartiality in the Immigration Service is clearly shown by this insistence for years past that the present statute which limits the detention expense assessment to aliens permits them to charge detention expenses for citizens as well. This rule poses the absurdity that the term "alien" includes the term "citizen." The act itself defines an "alien" as "everyone except a citizen."

The American President Lines, Ltd., has paid \$225,000 for detention expenses of citizens in the last 5 years at the insistence of the Immigration Service and upon the grounds that citizens are aliens as far as the immigration service is concerned until the service decides otherwise. In each instance, the citizen was eventually admitted as a citizen, thereby proving that the detention was wrongful and the citizen was not an alien.

The Immigration Service justifies the practice of including "citizens" in the term "aliens" by stating that they have been doing it for a long time and have steadfastly refused to mend their ways and that the matter has never yet been brought to court for interpretation. Why should a person have to sue his government and get a court ruling on the self-evident proposition that a citizen is not an alien? Should not ordinary departmental construction be sufficiently fair to declare a fact, so obvious? When such an illogical holding has been penalizing carriers for years despite repeated protest, can you wonder at a carrier's dismay in regarding a statute which makes the "satisfaction of the Attorney General" the test of a carrier's diligence? Successive Attorneys General for years past have been satisfied that for the purpose of penalizing carriers a "citizen" is an "alien."

We respectfully suggest, therefore, that the condition to the effect that carriers must in each case prove to the satisfaction of the Attorney General that the cause of detention as to each immigrant could not have been ascertained by the exercise of due diligence prior to embarkation be eliminated from the bill. It is a condition unnecessarily burdensome and is freighted with administrative difficulty, confusion, and expense. It serves no useful purpose. If the Attorney General requires a substantial additional showing and conducts a serious inquiry in every case, the expense to the carrier may oft exceed the payment sought to be avoided. If the Attorney General insists on a mere perfunctory showing, the condition is without value. It will be a useless argumentation of departmental red tape and will constitute an unnecessary expense to the taxpayer and carrier alike.

It should be borne in mind that the Department of State has already examined each immigrant as to admissibility and as to health before the carrier sells him a ticket. Why should the steamship company be forced to make a greater, or more extensive examination of a prospective immigrant than the State Department itself. Of course, if the Immigration Service had been assigned to the State Department, this matter would never have occurred because the State Department would not check up on itself. However, the Immigration Service is under the Department of Justice, and a great deal of our difficulty is occasioned by the fact that the Department of Justice is checking up on the efficiency of the Department of State, and the carrier, being in the middle, is being made to suffer.

The possession of travel papers certified by the consular officer is and should be a prima facie showing of due diligence. This should be sufficient protection. Any additional expense for further checking on the State Department by the Department of Justice which is undertaken in an abundance of caution, and to protect the general welfare should be at the general expense, and not at the specific expense of the carrier. Head tax is collected for this purpose. It is not just that carriers who have performed their duty under official sanction should be singled out to pay this item of the general burden of the governmental expense.

Another subject I wish to discuss is the situation arising out of war-bride legislation. Congress here sought to cut the red tape and facilitate the entry of wives of American-citizen soldiers who had married overseas.

Notwithstanding the obvious attempt of Congress to waive ordinary restrictions and precautions, war brides and their children, who were American citizens by birth, were detained for protracted periods at the expense of the carriers. Congress undoubtedly meant that no detention expense should be charged in such instances when it enacted that no fine or penalty shall be imposed because of transportation to the United States of any alien admitted under this act.

The American President Lines, Ltd., was forced to pay \$150,000 for detention expenses of war brides and their children, notwithstanding the plain intent of Congress to the contrary on the ground that legally, detention expenses are neither a fine nor a penalty. In justice to the Immigration Service, I wish to state that those officers wished to pay the bill, but the Comptroller General raised the technicality and payment was refused. He took the position that the payment by the carrier was voluntary. This holding ignored *U. S. v. Holland American Line*, decided in the Second Circuit (212 Fed. 116-119-20), where the court commented as follows: "It seems to us that the rule adopted by the immigration authorities was not consistent with law, and was oppressive because it compelled the companies to pay in order to avoid the alternative of having their steamers converted into hospitals and houses of detention. Such payments are not voluntary. They could not in the nature of things have been resisted."

While the War Brides Act is not now operative, the situation in the east may well induce Congress to revive its provisions and, I believe, this technical loophole should be eliminated in such a contingency. Also, it seems appropriate in this bill to cure certain of the wrongs sustained by the carriers under former enactments. Congress, in my opinion, should make the carrier whole for losses sustained under the technical evasion of law to the effect that payments made for detention expenses of war brides were voluntary and, hence, not recoverable.

The wrong was made possible by a technical defect in legislation. Congress is the proper branch of Government to cure that defect and right the wrongs which flowed therefrom. Carriers have no other place to go. They have sought in vain for administrative relief.

It is my considered opinion that the method of screening by the immigration officials, in San Francisco, at least, should be brought to the attention of Congress. I have been informed that the practice is so harsh to both immigrant and carrier that it is not a practice employed generally elsewhere.

The problem arises principally from Chinese (oriental) immigrants. Probably because all Chinamen look alike to an ordinary American, practically every Chinese who arrives is suspected and detained. During 1 year it was 76 percent.

The San Francisco immigration station is located in the two top floors of the Appraisers Building, 630 Sanson Street. Male passengers are confined to the twelfth floor and female passengers to the thirteenth. They are housed and fed in the building. The hearing rooms are located there, and the only time they may leave the building is for hospitalization at the United States marine hospital, or the Chinese hospital, 835 Jackson Street. There are no recreation areas, as the Appraisers Building is located in the congested business section. The detainees are kept under guard at all times.

Under the law the Immigration Service could order the carrier to detain aliens aboard ship, but it has not been the practice to do so. That provision also stems from the old days of indiscriminate immigration. It is unnecessarily burdensome. It permits the Immigration Service to turn a whole steamship into a house of detention or a hospital in the case of any particular immigrant. Under the law this detention might last for months and, when one realizes the cost of keeping a whole steamship immobilized—which amounts to several thousands of dollars a day in many instances—it is apparent that this provision of law is unreasonable and should be eliminated.

Prior to World War II all applicants for admission were heard by three-man boards of special inquiry. About 600 cases were heard during the course of 1 year by 40 employees of the Oriental Division. Since World War II the local station has been handling about 600 cases each month, and it has been necessary to depart from the procedure set up by the statute and regulations. There are now, or there were in 1948, about 70 employees in the Oriental Division and individual inspectors conduct preliminary hearings. By a system of cross-examination of all witnesses and a comparison of their individual testimony, the inspector decides whether the witnesses are telling the truth and whether the applicants should be admitted to the United States. The witnesses who are already admitted to the United States are not allowed to talk to the applicants prior to the preliminary hearing so that they will not be able to

jointly develop false testimony. It is the theory of the immigration officials that any conversation between an immigrant and members of his family, for instance, would necessarily be fraudulent in character. As a result, the immigrants in this skyscraper concentration camp are kept isolated and are not permitted to talk with their relatives or friends. They are there from a few days to a few months. In some cases, they have been there over a year. To quote from the San Francisco Examiner, July 22, 1948:

"How would you like to spend a year on the twelfth floor of a steel and concrete office building? How would you like to live every hour of this period on concrete and tile metal and never feel the soil beneath your feet and never see your friends or relatives except through close-woven mesh wire?"

"How would you like to do this without having committed a crime as a cause for your circumstance?"

"Many people undergo this experience all the time in San Francisco * * * several hundred a year. Workers who spend their days in the financial district should pause in their tasks for a moment and take themselves a look at the shining white skyscraper that is the Customs Building on Sanson Street, at the foot of Telegraph Hill. The two top stories of that beautiful monolith are crammed with men, women, and children, whose only crime is that they would like to live in America. Most of them are simple, middle- and working-class Chinese. There are more than 500 of them impaled there on the spike of bureaucratic red tape at this writing. The condition has come to the attention of the press and the public at this time because of a statement by an upper-class Chinese woman—Mrs. Elsie Ling—who had the misfortune of having to spend a mere several days in this penthouse pest hole. Mrs. Ling is articulate and has friends. This is not true of hundreds of pitiful incoherent women who know of no way to relieve themselves of the misery of their condition or to shorten their imprisonment. The authorities who personally are in no way responsible for what has to happen to their charges speak of the unavoidable lengthiness of processing immigrants, of the need to deal vigilantly with each case, of the frequent instances of fraud.

"Such arguments seem somewhat superficial when one considers the case of Wong Chi, who garbed herself in her best silk dress and poked her chopsticks into her throat and died a number of years ago; or of the case of Wong Loy, who tried to leap from the parapet of the skyscraper a few weeks ago after waiting for 6 months for her release; or of the girl who told Mrs. Ling last week that she would kill herself if she had to remain in the barred sky room any longer.

"There is no doubt but what the immigration authorities do their best for their guests * * * feed them well; provide every available facility for health preservation, and would like to get each and every one of them out of the place. The fact remains that the top of an office building in the center of a big city is not the place to house hundreds upon hundreds of men, women, and children for periods ranging from 6 months to a year and more. Thus endeth today's burst of indignation. Make of it what you will, Uncle Sam."

The number of detainees is very large. For instance, from August 1946 to April 1948, some 4,140 immigrants were detained; 3,198 (76 percent) were released after preliminary hearing. About 3 to 4 percent of the detainees are finally denied admission to the United States and returned to their ports of origin at the carrier's expense. During a test period during the year 1947, the following statistics as to detention expenses were compiled:

Number of vessels arriving-----	27
Passengers detained-----	3,125
Remaining in detention as of Apr. 30, 1948-----	70
Maintenance cost as of Apr. 30, 1948-----	\$182,165.28
Hospitalization cost as of Apr. 30, 1948-----	6,212.61
Total cost-----	188,377.89

This figure continued to grow. In the first half of the year 1948, our company was forced to pay in detention expenses the sum of \$221,874.41. The average period of detention for all cases in 1947 was 3 weeks. The average cost to American President Lines, Ltd., was \$60.66 per detained passenger. The average cost per detained passenger from January 31 to June 30, 1948, was \$81.12. Since then, the costs have risen.

It has been found prolonged detention increases the cost of hospitalization because of the confinement in the Appraisers Building with little opportunity for

recreation, exposure to transients, and the adverse effect on the mental attitude of the detainee. There is an average of at least one child born each month to one of the detainees. This child is, of course, a citizen of the United States. There can be no question about that. There seems to be no necessity for investigation of the fact, since the child was born in the custody of the investigating officers themselves. Yet, American President Lines, Inc., must pay the cost of living of the child, the doctor and hospital expenses under a law in which detention expenses are chargeable only against aliens. Of course, the child must remain with its adult immigrant mother and I suppose this circumstance justifies the Immigration Service in making the extra charge against the steamship company.

To offset this tremendous burden, the American President Lines, Inc., has gone to additional expense in an effort to reduce detention time. The Chinese detainees are refused preexamination parole in San Francisco. In New York, where few Chinese enter, virtually no applications for admission are detained, but, instead, are released immediately on their giving a bond. In San Francisco, the practice of refusing to release on bond seems to be confined to Chinese immigrants—yet there is no law or regulation which singles out a Chinese immigrant for harsher treatment than any other. Since approximately 96 percent of the Chinese who seek admission in San Francisco actually gain it eventually, there seems to be no justification for the statement by immigration officials that sterner measures are necessary because of wholesale frauds. Of the 4 percent who do go back, a large portion are sent back for medical reasons; not for fraud.

In an effort to cut down the expense, American President Lines has for some time past paid the cost of flying teams of immigration inspectors to Honolulu to board vessels and conduct examinations en route. Our company pays the aeroplane fare, the per diem expense of the inspectors, food, and provides food and quarters en route, including incidental expenses and the expense of overtime work by immigration inspectors. A team of four inspectors costs approximately \$1,000 per trip. All the above payments to the Government go directly to the Treasury Miscellaneous Receipts Account and, of course, constitute an extra burden on American President Lines, Ltd., beyond the sums paid for detention maintenance and hospitalization. None of these expenses of the carrier can be passed on to the passenger under severe fines and penalties imposed by law.

American President Lines, Ltd., respectfully suggest the following changes in law to remedy the situation hereinabove set forth:

1. Nonassessment to carriers of detention expenses if the immigrant has an unexpired visa or travel documents in lieu thereof issued by a consular officer at the point of embarkation.

2. Elimination of all detention expense as to citizens who have been detained by immigration officials and who are admitted as citizens following such detention.

3. Elimination of the requirement in the bill, section 233C, that carrier must prove due diligence to the satisfaction of the Attorney General.

4. Elimination of all provisions that a person shall be detained aboard his vessel of arrival at the insistence of the immigration officers or of the Attorney General and provision for suitable places for detention of citizens and aliens under humane conditions of life.

5. Right the wrong which has been done carriers in the past and which section 233C seeks to correct in the present bill by providing that carriers shall be reimbursed by the United States for all detention expenses paid during the last 6 years prior to the passage of the pending bills in cases wherein such detention expenses of aliens or citizens would not have been assessable or collectible under the provisions of the pending bills.

6. Cure the defect in the War Brides Act under which payment of detention expenses are held to be voluntary and provide for reimbursement of such payment heretofore made within the last 6 years.

In closing, I wish also to emphasize the necessity of keeping in the bill the provisions of section 238D empowering the Attorney General to enter into contracts and bonding agreements with carriers to guarantee passage through the United States, in immediate and continuous transit, of aliens destined for foreign countries. It would create an intolerable burden if the Attorney General were deprived of this power due to the great many orientals resident in South America who go to Japan or China traveling by air to Miami and thence to San Francisco through the United States for embarkation to Asian ports. This traffic has been increasing and will continue to increase.

We wish to concur in the recommendation of Mr. Krebs, the former witness, in regard to the changes in the law respecting stowaways.

STATEMENT SUBMITTED BY RUFUS H. WILSON, NATIONAL LEGISLATIVE DIRECTOR,
AMVETS

AMVETS NATIONAL HEADQUARTERS,
Washington, D. C., November 12, 1952.

HARRY N. ROSENFELD,

Executive Director, President's Commission on Immigration and Naturalization, Executive Office, Washington 25, D. C.

DEAR MR. ROSENFELD: In regard to your recent correspondence concerning AMVETS position on what the immigration policy, law, and administration of the United States should be, you are advised that the resolutions passed at our last national convention concerning this subject are as follows:

1. Whereas there is a move by our Government to accept an increasing number of refugees and displaced persons from foreign countries; and

Whereas there are reportedly many foreigners who have remained in this country for many years and who have not become American citizens: Therefore be it

Resolved, That every immigrant residing in the United States, and all persons entering the United States from now on, be examined as to their intentions and fitness, and that unless there is valid reason otherwise that they be required to become American citizens within a reasonable time, to be determined by Congress; otherwise that they be subjected to deportation, provided, however, that this shall not apply to political refugees who intend to return to their native lands at such time as conditions there make it practical or possible.

2. We urge the immediate discharge of Communist sympathizers and other disloyal persons in the Government. And further, if such person is a naturalized citizen and his citizenship is revoked, he should be deported.

3. We resolve that no male displaced person of military age shall be admitted to the United States unless he shall indicate his willingness to register for selective service and become a citizen of the United States.

AMVETS do not desire a formal appearance before your committee because of the brevity of our resolutions concerning your activities. However, we do desire that this letter be incorporated in your files as the official position of our organization.

Sincerely yours,

RUFUS H. WILSON,
National Legislative Director.

STATEMENT SUBMITTED BY RT. REV. FELIX F. BURANT, PRESIDENT, AMERICAN COMMISSION FOR RELIEF OF POLISH IMMIGRANTS, INC., TO CORRECT TESTIMONY ON
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POLISH IMMIGRATION COMMITTEE,
AMERICAN COMMISSION FOR RELIEF OF POLISH IMMIGRANTS, INC.,
New York, N. Y., November 12, 1952.

Very Rev. Msgr. JOHN O'GRADY,

Member of the Presidential Commission on Immigration and Naturalization, Washington, D. C.

DEAR MONSIGNOR O'GRADY: I am sorry that I must take up some of your very valuable time; however, I am writing to you with reference to a correction in one paragraph of my statement before the President's Commission on Immigration and Naturalization on October 1, 1952.

The error was not really our fault. It was due to some misleading information which we had received.

In my statement concerning a Polish refugee soldier, namely, Miroslaw Piwonski, I said that he, after having been rejected by the Canadian officials from entry into their country due to the fact that he had contracted malaria, he was held in New York in a hotel under guard in transit back to Venezuela from whence he was immigrating. The airlines sent M. Piwonski back to Venezuela, however, he was not accepted and therefore, he returned to New York and was detained on Ellis Island. According to the information we received from Ellis Island, this man was sent to Germany after having been refused by Venezuela. However, after checking further into this case, unfortunately after I had made my statement, it was found that Mr. Piwonski was deported to Venezuela a second time and accepted and not to Germany.

I am taking the liberty of appealing to you to notify the President's Commission on Immigration and Naturalization about this change in the remarks I have made.

Thanking you in advance for your kind cooperation, with every best wish,
I am,

Yours in Christ,

Rt. Rev. MSGR. FELIX F. BURANT, *President.*

STATEMENT SUBMITTED BY ANTHONY V. POLITO, HOLLIS, N. Y.

HOLLIS, N. Y., November 14, 1952.

HON. PHILIP B. PERLMAN,
Solicitor General, Washington, D. C.

SIR: You, I understand, are at the head of a seven-member commission lately appointed by the President to study the McCarran-Walter immigration law to look over the law's inequities and to recommend improvements by January 1 next.

It is my purpose to lay before you some of my thoughts and views in regard thereto which I believe may be of help to make the law, when amended, more workable and more satisfactory to citizens of foreign origin who have protested from the housetops.

The writer is just a plain layman who came here as an immigrant from Italy in 1882 and has had since the occasion to note—from May 11, 1882—when with my hand in that of my parent we were both admitted after answering: "I come to seek work and to send my boy to school, because in my country there is no opportunity for advancement. * * * I am a shoemaker by trade, able and strong for any other job. * * * yes, yes, I have \$5 lire (\$17) to carry me through until I meet friends who are waiting for me."

We started from scratch, father as a common laborer and me running errands during the day and at school in the evening; soon I became a WIT messenger, later office boy, thence a runner for a Wall Street broker until I secured a position with a steamship line, where my promotion was rapid to inward freight manager. In the following 25 years I had occasion, during the lay days of the ships in port, to witness the flow of immigrants, to study them, and share their contentment at their landing; ever since I have been interested in immigration and the naturalization of the alien.

There must be other thousands like myself interested in immigration and in the encouragement of bona-fide immigrants to come and settle in America and later to acquire citizenship. Unfortunately the immigration laws began slowly at first to stem the tide, until since 1924 it is almost easier to go through a needle eye than to crash through the golden gates to enter the United States for permanent residence.

The quota system by which immigration has been regulated, based on the percentage of the nationals in the United States in 1924, is a mockery; those from the northern European countries started to trek toward this continent two centuries ago; the hardy Italians did not follow Columbus; they began to know America after 1880; they came singly, in search of work and later in greater numbers with their families, after word was spread abroad of the wonder opportunities in this new world.

Therefore in view of the above the annual quota of immigrants allotted to Italy of 5,645 is very discriminatory and unfair, it is harmful to the friendly and best interest of both countries. * * * when it is considered that Italy with 47 million souls practically huddled on the peninsula must expand, particularly after the loss of her colonies, her superfluous population must emigrate, most of them go to South America and to Central America; but where must the relatives and friends of those Italians residing and well located in this country go to except the United States the land of great promise?

I take the liberty to suggest, that the amendments to the new law provide for a minimum quota to Italian nationals of 20,000 a year, this number will permit the admission of a hardy race of people who will easily assimilate and enter our way of the American life.

The regulation for the movement of the above quota number of immigrants should not be over 2,000 per month, in order that a proper screening can be made and will not clog the inspection on arrival. The law should also provide for quota preferences, this is important, as follows:

(1) Nonquota immigrant visas be issued to married children above 21 and unmarried children under 21 years of age, the wife of the husband of a United States citizen.

(2) First quota preference immigration visas be issued to the parent of a United States citizen who is 21 years of age and over and the husband and wife, providing the marriage has occurred on or after January 1, 1950.

(3) Second preference quota immigration visas are issued to unmarried children under and over 21 years of age and the wife of an alien lawfully admitted to the United States for permanent residence.

(4) Third-preference quota immigration visas are issued to nephews and nieces in direct descendants provided such nephews and nieces are the sons or daughters of the sister or brother, citizens of United States of 21 years of age and over.

An amendment to the law that will permit the reunion of stranded families—many orphans—war widows who have relatives in the United States would gladly sponsor their coming and take care of them until they are rehabilitated. Any amendment to the immigration law benefiting the Italian quota will be as much appreciated as the Marshall plan which has worked wonders over there.

I hope and trust that the views given above will receive whatever consideration they deserve and respectfully remain.

Yours very truly,

ANTHONY V. POLITO.

STATEMENT SUBMITTED BY KONRAD SIENIEWICZ, SECRETARY GENERAL, CHRISTIAN DEMOCRATIC UNION OF CENTRAL EUROPE

CHRISTIAN DEMOCRATIC UNION OF CENTRAL EUROPE,

WASHINGTON, D. C., November 14, 1952.

Mr. HARRY N. ROSENFELD,

*Executive Director, President's Commission on Immigration and Naturalization,
Washington, D. C.*

DEAR Mr. ROSENFELD: We are taking this opportunity to send you a memorandum which includes the viewpoint of the Christian Democratic Union of Central Europe concerning the immigration problems of exiles to this country.

Very sincerely yours,

KONRAD SIENIEWICZ,

MEMORANDUM TO THE PRESIDENT'S COMMISSION ON IMMIGRATION FROM THE CHRISTIAN DEMOCRATIC UNION OF CENTRAL EUROPE

We should like to call your attention to the fact that the Christian Democratic Union of Central Europe is an organization of exiled representatives of the Christian Democratic parties which were active in the countries of Central Europe now under the Communist yoke. The members of this union are not American citizens. They are representing the interests of a vast segment of the population of the central European countries as well as the interests of potential immigrants to the United States who are escapees from behind the iron curtain. It is not our aim to interfere in the internal problems of the United States nor to influence the method by which the authorities and legislators of this country handle their immigration problems. But we appreciate very much the attitude of the President's Commission on Immigration and Naturalization in permitting us to illustrate a picture of these problems as seen by exiles and immigrants.

1. We are first of all concerned with the situation wherein the entire immigration law is based on the principle of place of birth. It is very difficult to apply such a rigid rule to the people from the countries behind the iron curtain. In this respect, two facts should be kept in mind:

First, the countries in this area of Europe were divided before the First World War between the three great powers, Russia, Germany, and Austria. Furthermore, the people of central European origin have been migrant. Because of this circumstance, there is a large percentage of people who were not born within the frontiers of their own countries. Many were born in the heart of Russian, German, or Austrian territory before or during the First World War. Others were born in different countries as a result of temporary migration by their parents for economic reasons. Therefore, the place of birth in many cases is completely accidental. Such a situation can result in closed immigration doors for many people, for example, those central Europeans who happened to be born in Turkey and such cases certainly exist.

Secondly, it should therefore be called to the attention of the immigration authorities that for the central Europeans the distinction between the ideas of citizenship and nationality exists. This difference is clearly expressed in their languages and is precisely embraced within their respective laws. The difference is revealed in the German language in the ideas of citizenship (*Staatsangehörigkeit*) and nationality (*Nationalität*), in the sense of ethnic group. Unfortunately, this difference is not understood in the English language. In this respect, it is clear that citizenship can be easily changed and cannot make a basis for immigration purposes. It is obvious then that nationality cannot be changed. If quotas would be based on the principle of nationality, the circumvention of the immigration law would therefore not be facilitated but would, at the same time, enable all nationalities, regardless of the place of their birth, to have the benefit of the quotas granted to their nations.

2. The second problem which is very important is the question of the number of quotas. The quotas granted to the peoples from the countries behind the iron curtain should especially be contrasted with the British and the German quotas.

As far as the peoples from behind the iron curtain are concerned, it should be noted that their national character indicates that they have always been peace-revering and that their history shows that they have not led aggressive wars but are still defending Europe before the onslaught of the aggression of the east which aims to destroy western civilization.

This historic heritage should qualify these people to contribute an asset within the texture of the American population. Now, these peoples are suffering terrible persecution from the side of the Soviet Union and they know from bitter experience the meaning of communism. Such experience is another reason qualifying them to live in this country where they can work with others in strengthening the desire for greater freedom and cooperation among men.

It should be further emphasized that the immigrants, especially those from behind the iron curtain, can and do contribute considerably to the national industrial economy of the United States in view of the fact that the majority of them possess natural technical ability.

No less important are the many immigrants who have unusually rich cultural backgrounds. These people, given an opportunity to deepen their education and scholarship in the United States where every facility is available, will also add to the intellectual stores of the United States of America.

The quotas allotted to central Europeans, being very inadequate, have resulted in the mortgage of national quotas for generations ahead.

On the other hand, the large Anglo-Saxon quota mentioned above remains unused and the immigration possibilities here are entirely wasted. Moreover, it is paradoxical that a very large quota is also offered another nation, despite the fact that it caused the three most devastating wars of the nineteenth and twentieth centuries.

Furthermore, the inadequacy of the quotas for the countries of central Europe and the present attitude of the McCarran Act seems to be in contradiction to the whole policy of the United States, which, to a certain extent, considers the exiles as friends and partners in the fight against communism.

In this respect, we foresee only two ways to resolve the quotas question: (a) to increase quotas for the nationals from the countries behind the iron curtain; (b) to arrange for the transference of unused quotas for certain national groups to widen the quotas for other Europeans and thereby provide additional immigration possibilities to all peoples.

3. We should mention here also the problem of the continual flow of escapees from the countries behind the iron curtain. All immigration possibilities were barred to those persons who escaped after January 1, 1949. Since these escapees are constantly arriving in the free world, it is necessary to annul this date or else make other transitory provisions under which the newcomers will be able to apply for American visas.

4. An opportunity to appeal to a central authority in the United States would be helpful to those immigrants whose visa applications are rejected by the decisions of various consulates. This would enable applicants to renew their negotiations in case the decisions have been rendered due to inadequate consideration of applicants or because of unfair references which may have affected the decisions.

5. As far as security risks are concerned, in view of their keen anti-Communist sentiments, refugees from central Europe, especially those arriving under the Displaced Persons Act, are not likely to be dangerous. The various organiza-

tions of exiles might help in this respect by serving as advisory units in determining the security status of incomers to the United States of America.

6. It must not be forgotten that the McCarran Act is exploited by Communist propaganda inside our countries in order to illustrate the unfriendly attitude of the American people toward the people of central Europe. This can have detrimental effects on the success of propaganda made by the United States and at the same time provide additional fodder for the "hate America" campaign of the Communist regime.

The new regulation permitting members of former Nazi or Fascist organizations to immigrate to the United States can also be interpreted to arouse anti-American feeling. Whether or not to accept former members of Fascist or Communist organizations is entirely up to the Americans. This problem, however, can have grave propaganda repercussions. There are amendments at present which bar only members of those totalitarian organizations which have a Communist outlook but grant permission to Hitlerite totalitarians.

Such provisions can be used to accuse the United States of supposed political inconsistencies and to show the peoples behind the iron curtain that the country is not essentially against totalitarianism as a method of government but acts according to whether its interests are anti-German or anti-Russian. Unfortunately, the people from behind the iron curtain suffered from both brands of totalitarianism and they fear either type, Communist or Fascist.

These provisions of the McCarran Act are convenient fuel for Communist propaganda still underway behind the iron curtain, holding that any future withdrawal of the Communist regime will result in another totalitarian rule.

7. The last problem concerns the right of asylum. It can be said that the emigres from the countries behind the iron curtain come to this country for two different reasons. Some of them wish to settle here and to find work and to live with their families during the period of exile. Other come only for political reasons to lead their political exiled activities in the center of world policy, which is located in the United States. It is understandable that all the demands of the present immigration law should be applied to the first category. But, as far as the category of politicians is concerned, different measures should be found.

First of all, there is the question of time. If someone is a political representative of some population segment living behind the iron curtain and if he is regarded by the American administration as an important element in the actual policy, he should not be obliged to wait for the quota number.

Secondly, his admission to this country cannot be determined by the state of his health. It would be inhuman to bar admission to this country to a politician who had lost his health in the Siberian mines or in Communist prisons in our countries.

For these reasons, it would be desirable to propose to establish the right of asylum granted by the administration, excluded from the provisions of the regular immigration visa procedure.

At present, such a law exists but it can only be applied to the people who are in the United States and one of the important conditions of this law is that it expires at the moment when the person benefiting from it leaves the country.

It is believed that these two provisions should be changed and that the administration should be able to grant asylum to the people who are not in the territory of the United States and that this asylum will enable them to come to the United States. Asylum should be granted in such a way that those having such a right will be able to leave the country and come back without losing it. The most important factor in granting such a right to politicians is that it would not be wise to deprive them of the possibilities of contacting the other exiles and other anti-Communist centers which are spread throughout the world, especially in the countries of Western Europe, the countries bordering the Soviet Union and the iron curtain countries.

In July 1951, a Convention on the Status of Refugees was adopted by the conference of 18 states in Geneva, Switzerland, which regulated unanimously the rules concerning status of refugees in the countries of their residence and the travel documents to be delivered to them. Unfortunately, the United States was not among the 18 states whose representatives initialed the convention. We consider that it will be in the interest of exiles that the same rules concerning travel documents and other provisions be adopted in the United States.

STATEMENT SUBMITTED BY HANS ZEISEL

This memorandum tries to be of assistance in the administration of Public Law 414 as it was enacted by the Congress. The question as to whether such a classification system be desirable is not raised here.

Yet, in order to give a broader view of the scientific and administrative problems involved, a copy of a memorandum is attached which Prof. Conrad M. Arensberg, the noted anthropologist of Columbia University, submitted to the President's Commission on Immigration and Naturalization.

1. Concerning race

The law's requirement that immigrants be classified by race is unspecific in that it does not designate the criterion by which race is to be ascertained. Obviously, classification by skull measurements would yield a different statistic than classification by skin color, etc. Any attempt to apply scientifically correct methods would require the simultaneous use of several of these criteria, yet such a procedure would at the same time transcend all administrative possibilities.

If no further instructions can be obtained from the Congress, for all practical purposes, only two ways seem open: one, to leave the designation of race to the complete discretion of each individual immigrant. This procedure is recommendable in most respects but is bound to yield an unwieldy statistic because of the innumerable ways in which laymen will interpret the term "race." Not only will they classify themselves by different race criteria (one by skin color, the other by body build, etc.) but they will also use the concept in its looser sense, confusing it with the various criteria of ethnic origin.

The other alternative would be a modified system of self-classification by which the immigrant is to be given a checklist of some sort. The one presently in use is defective in so many ways—from an anthropological, logical, and statistical point of view—that its further use is not recommended (Cf. H. Zeisel, *The Race Question in American Immigration Statistics*, Social Research, June 1949, vol. 16, No. 2). Under the circumstances, the best compromise might be the checklist of races, as defined by skin color, that appears in our decennial census of populations (white, Negro, Indian, etc.). To use such a checklist would have, at least, the advantage of instituting a classification method for immigrants which is identical with the one in use for our residents or citizens in the regular census.

But any such classification system must reckon with a considerable number of individuals of mixed color. Rules must, therefore, be established as to how to deal with such immigrants. It would, of course, be quite improper to give preference to any one color by declaring—as some Southern States did—that even 1 percent heritage of one race makes the individual a member of that race. The decision, therefore, as to which race on the checklist he belongs to should be left completely to the immigrant. This self-classification should be without second judgment on the part of the counsel of any other immigration official. Such procedure would also be in line with the wording of the text of section 222 (a), which requires that the immigrant state his race and ethnic classification.

2. Concerning "ethnic classification"

For the grouping by "ethnic classification" (as differentiated from "race") the immigration law presently in force provides already three sets of data which are to some extent descriptive of ethnic origin: namely, country of birth, nationality (citizenship), and the immigrant's successive places of residence since birth. If these criteria should not be considered sufficient, although a good case can be made for them, "mother tongue" should be added as criterion of ethnic origin. We follow here the opinion of Professor Arensberg,* who holds that the addition of the census category of mother tongue "would provide an effective and sufficient basis for classification by ethnic origin."

Summary

Our suggestion that race and ethnic origin be ascertained by skin color and mother tongue respectively, in addition to the data already on the schedule, recommends itself for the following reasons:

*Cf. his memorandum below, to the President's Commission on Immigration and Naturalization.

(a) The two criteria offer an acceptable compromise between scientifically rigorous stands and administrative possibilities.

(b) Asking for these data does not constitute discrimination in that it is neither more nor less than is asked of our residents and citizens in the regular census of population.

(c) The two criteria are sufficiently objective so as to leave only the unavoidable amount of leeway caused by the need for dealing with in-between cases.

(d) If the principle of self-classification within the given checklist is rigidly maintained, then consular officials are completely relieved of the embarrassing burden of having to sit in judgment on the immigrant's race and ethnic origin. These two criteria would then be treated not differently from the other data on the schedule, which the immigrant is obliged to provide.

STATEMENT SUBMITTED BY CONRAD M. ARENSBERG, PROFESSOR OF ANTHROPOLOGY,
COLUMBIA UNIVERSITY

The present memorandum is an effort to summarize the available evidence on the technical problems of classifying immigrants by race and ethnic origin; that is, the scientific meaning, the administrative feasibility, and the statistical proprieties of any such classification system. It does not deal with the ethical and political problems raised by any such system. Not because the author has no convictions on this matter, but rather because this point has been already amply aired before the President's Commission. The answer to this aspect of the problem will be easily found once the proponents of such a classification system indicate clearly and explicitly just what purpose they intend it to serve.

The scientific estimate of the usage of the term "race" differs today very considerably from the simple popular assumption, still taught in the schools, and embodied in census procedures, that all persons of the world fall into well-defined color categories: White (Caucasian), black (Negro), Mongolian (yellow), and perhaps red (American Indian). Scientifically speaking, a race connotes a set of persons who share common physical measurements of body build, skull form, facial proportions, hair structure, and other variable skeletal and soft-part anatomical characteristics. Whether a population, not an individual person, belongs to one or another race depends on the statistical preponderance or clustering of such measurements taken among properly chosen population samples.

A race is thus an abstract category devised by measurers of human beings to accommodate statistically significant groups within the populations measured.

It is probable that most professional anthropologists would agree to the following assertions about race:

1. There are no pure races of mankind to be found anywhere.
2. Populations, rather than individuals, might be said to belong to certain races, in the limited sense that populations differ from one another in gene (cells making for heredity) concentrations contributing to physical variations.
3. Populations which have lived together for a long time during which its members have interbred can be considered to have a pool of such genes. Where any historical connection of common descent or mutual intermingling exists, it can happen that individuals through recombinations come to share the same genes. Thus two populations often produce individuals who look alike.
4. In this sense alone, one can say that individuals alike in race appear in two or more populations, even when these are widely separated, for example, where "Nordic" racial-type individuals appear both in Sweden and in Afghanistan.
5. No modern nationality corresponds exactly to any single race; most modern nationalities, in the physical sense, consist of several or many racial types, representing several or many pools of genes.

It is clear, then, that in modern anthropology the determination of race can apply not to an individual but only to a population. One can no longer simply type individuals into hard and fast pure categories. No one race corresponds exactly with any one historical, political, or social group of human beings. The search for racial identifications is a skilled statistical refinement. The single physical traits, once relied on, such as, skin color (e. g., white, olive, brown, etc.) or hair form (e. g., straight, wavy, kinky, curly, etc.) are not by themselves criteria for assigning persons to a race, since they must be used in combination with other metrically difficult observations. Even then such combinations of physical traits mark a population rather than assign an individual.

It is evident, then, that the assignment of individuals to scientifically ascertainable biological races is a task beyond either the skill of an immigration or consular official or the competence of an immigrant describing himself. Extreme variations of physical form in human beings can be fairly well distinguished (e. g., a Swede from an Angolese, or a Bushman from an Italian) but even assignments to such broad categories as Negro, Caucasoid, or Mongoloid is not feasible within the limits of the competence or time at the disposal of either immigration officials or visa applicants, since too many peoples of the world fall into racial types intermediate between the extreme variations of mankind. Unless one relies on one single physical characteristic, such as skin color or hair form, one is left without workable criteria for assigning persons to a race.

It is, of course, true that the traditional popular American criterion has been skin color, and the present racial categories of the United States census classify races by skin colors: White, yellow, black, and red. But there is at present no warrant in law for the use of such a single skin-color criterion, however deeply embedded it is in popular belief and "common sense." When used, it becomes in practice an arbitrary imposition of categories upon members of many human groups and foreign peoples tending to separate families, cut across national and ethnic identifications, and evoke strong resentments.

For example, in the case of many peoples of Latin-American or south Asian origin, as well as many east Europeans and west Asiatics, skin-color differences that make a person "look" white or Negroid or Mongoloid (in short, "colored" and "white") to unsophisticated American observers, who think of them as "mixtures," are standard variations within single families and communities, without social or political significance, and in no sense divide the people into groups or categories. In these cases, such people belong to long-established racial blends or ancient intermediate types which would have to be counted in an endlessly long list of the world's races, would be impossible to handle statistically, and would be impossibly difficult to distinguish for purposes of administration. The political solution in such cases, as in the case of the Mexicans, has been to assign such groups to the white race, as the more desirable category. In New York it is commonplace and bitter experience for the Puerto Ricans—who are American citizens—to find for employment and other purposes that members of the same family are arbitrarily classed as white or Negro by other Americans, on fancied facial or other physical resemblances to stereotypes of Negro and white "racial types."

Sociological and historical experience, in fact, demonstrates that the actual assignment of a nationality or ethnic group to one or another "race," even when color grounds are asserted, is a matter of social-group identification. In fact, historically, the "races" are substitutes for nationality, religious, ethnic, and linguistic groupings, and are endlessly confused with them. Thus in the Hawaiian Islands the Portuguese seem to have been classed as nonwhite, while northwest Europeans and continental Americans of northwest European ancestry are called "whites." In the Southwest the Mexicans—both immigrant and native-born Spanish stock—became, sociologically, "different race," and were subject to discrimination similar to that originally visited upon the American Negroes, though the actual physical type of the Mexicans and Spanish-speaking Americans ranged from that of the "Mediterranean" race to "Alpine," "American Indian," "Mongoloid," and "Eskimo."

Another example of the practical substitution of social categories for supposedly racial ones based on skin color has been historically developed in the Southern States. There many persons of mixed African and British Isles descent have turned up so "light" in color as to be able to "pass for white." The law of such States finally had to adopt the principle that one drop of Negro blood makes a Negro by race, despite light white skin and blond eyes and hair. The real criterion, in the courts, of Negro race, then, had to be proved descent from some parent or ancestor socially agreed upon by the community to have belonged to the Negro group in the community.

In the light of all this difficulty in racial classification, it can only be recommended on scientific grounds that the assignment of immigrants to races be abandoned on the grounds of its practical indefiniteness and difficulty of execution.

The scientific grounds for the classification of immigrants by ethnic background is much simpler. The census categories "Mother tongue" and "Nationality" (in the sense of citizenship) are sufficient by themselves to make an effective classification without further criteria. There is no need for a full listing of ethnic groups to which persons round the world belong who might wish to

immigrate to the United States. An ethnic group, scientifically, is any self-perpetuating group of human beings large enough to comprise several or many communities and possessed of a distinctive culture of their own which they transmit to their children. Examples are Australians, Mormons, southerners in the United States, New England Yankees, Lithuanian Jews (Yidn, Litvaks), Greeks, Ukrainians, Englishmen, Scots, Baluchis, Maronite Lebanese, Buryats, Iroquois, Turks, Seminoles, American Negroes, Italian-Americans, Swedish-Americans, middle westerners, Cajuns, and so on. An ethnic group is a cultural and social group having a definite historical and regional origin, growth, flowering, and eventual end, through disappearance or absorption into other ethnic groups. Such ethnic groups number many thousands in the world.

No modern nation, with the possible exception of some of the Scandinavian countries, consists of a single ethnic group. Such groups are continually emerging, reforming, passing out of existence. Such groups are also never exclusive; some are more jealous of their members devoting themselves entirely to their membership than others, but nothing prevents an individual from belonging to more than one such group (since they are social and cultural groups), from passing from one ethnic group to another by marriage, adoption, relearning, taking on a language, undergoing religious conversion, or other processes. It is very common experience, indeed, for persons to belong to more than one ethnic group; for example, many Scottish persons who became Canadians or many white southerners who become middle westerners in Detroit, or Oklahomans who become absorbed into California life as Californians.

The mark of an ethnic group may be any of a number of things, but is always a matter of social inclusion in a group considered to be socially distinct by itself and by its neighbors. Thus a distinctive religion may or may not mark an ethnic group; it does so only if the group lives apart from its neighbors and organizes itself socially over generations about its religion. Thus the American Catholics are not an ethnic group, but the American Mormons are. The Mennonites in the United States are an ethnic group, but the Lutherans—since they include people of various national descents and do not live apart—are not. The test is always social, private, and cultural.

For purposes of immigration administration, then, it is quite impossible to test the tens of thousands of cultural and social identifications of human beings to decide whether or not a social identification of one kind or another, even one given by a prospective immigrant to himself and his family, constitutes an ethnic group and makes an ethnic classification.

It is much easier to use two practical substitutes which nearly always give one a good approximation to ethnic classification; i. e., mother tongue. All ethnic groups, since they are social and cultural groups, teach their children one basic childhood language (the mother tongue). This does not mean, however, that some persons are not multilingual from childhood, since a person can well belong to two ethnic groups. But the number of mother tongues is not equal to the number of ethnic groups, since in many cases two, three, or four ethnic groups share the same mother tongue; e. g., Scots, Irish, Welsh, English, Americans of various ethnic groups, English-Canadians, Australians, all use English. But in such cases the birthplace and successive residences are quite enough to make the identification. Thus ethnically a Scot, born in Scotland, speaking English as a mother tongue, now a resident of Canada, is sufficiently identified for all administrative purposes. Similarly a Siebenburger Volksdeutscher (Transylvanian Saxon German) speaking German as a mother tongue, born in Austro-Hungary (which ruled Transylvania till 1918), citizen of Rumania till 1939, citizen of Hungary from 1939 till 1945, now stateless, is sufficiently defined for all practical purposes.

The addition of mother tongue to information on country of birth and successive residence would provide an effective and sufficient basis for classification by ethnic origin. No invidious and discriminatory classifications would thereby be introduced, and both administrative efficiency and consistency with other Government records and registrations is obtained. This type of information provides in combination the best index of ethnic classification that could be devised for immigration and census purposes.

SUMMARY

I. Concerning classification by "race"

Any meaningful and scientifically acceptable system of classifying races would have to be based on a great variety of complicated measurements of body characteristics, such as skull form, facial proportions, body build, skin color, hair structure, etc.

However, such a system, once established, could apply only to population groups, not to individuals. Only such groups could be assigned to one or another race, because of the statistical preponderance (clustering) of a combination of these measurements.

The problem of assigning individuals to the particular group is not only difficult but in most cases impossible. Since there are no pure races of mankind to be found anywhere, individuals can be said to belong to a certain race only as a matter of degree—that is, only in certain respects—while at the same time, in other respects, belonging to a different race. To set up objective standards for such assignments and to use them for classification of immigrants is a task beyond the capabilities of any agency.

But, even with the greatest of scientific care, it would be impossible to make meaningful assignments for all individuals; often members of one close community or even one family could be classified as belonging to different races. In practice, any such effort would open the field to arbitrary decisions on a truly intolerable scale.

Some will suggest a lowering of standards and acceptance of a few simple and manageable criteria, or possibly of only one criterion, such as skin color, for the classification by race. Such a system, while conceivably imbedded in popular belief, has little or no scientific meaning. Individuals assigned to different races in such a system will often be members of the same race according to accepted scientific standards.

Therefore, a meaningful system of classification by race is utterly unworkable—and any “workable” classification system by race would result in meaningless and, moreover, misleading results, injurious to the reputation of our administrative standards, as well as to the immigrants who are so classified.

For these reasons, we recommend that attempts to classify immigrants by race be given up for scientific and technical reasons, quite irrespective of the political and ethical arguments for or against such a system.

II. Concerning classification by “ethnic origin”

The McCarran Act, for the first time in the history of United States immigration legislation, requires that immigrants state, in addition to their race, their ethnic classifications. The legislative history of the act provides no information as to the reason for adding this requirement, and it is not clear what purpose it is intended to serve. If this purpose is to assist social-welfare agencies concerned with immigrants, then it would seem to be less ambiguous to inquire about “mother tongue,” a question that is now part of the schedule of our regular population census, rather than about the highly ambiguous concept of ethnic origin. It is debatable whether any additional data need be requested regarding the immigrants’ ethnic origin, in addition to places of birth and successive places of residence, which are part of the data requested of the immigrants under section 222 (a) of the act. But if another datum is required, “mother tongue” would appeal to suffice for all conceivable administrative purposes.

STATEMENT SUBMITTED BY JOHN T. EDSALL, CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS, AMERICAN ACADEMY OF ARTS AND SCIENCES

AMERICAN ACADEMY OF ARTS AND SCIENCES,
Boston, November 19, 1952.

MR. PHILIP B. PERLMAN,
*Chairman, the President's Commission on
Immigration and Naturalization,
Washington, D. C.*

DEAR MR. PERLMAN: We are transmitting herewith a resolution on the subject of visa and immigration policy which has been adopted by the Council of the American Academy of Arts and Sciences, and which was sponsored originally by our committee on international relations. This resolution is to be printed in the forthcoming issue of the bulletin of the academy, along with an introductory statement, a copy of which I also enclose. I am asking that six copies of the bulletin containing this material also be sent to you.

Sincerely yours,

JOHN D. EDSALL,
Chairman, Committee on International Relations.

STATEMENT BY THE COUNCIL CONCERNING VISAS AND IMMIGRATION

The passage of the McCarran Internal Security Act in 1950 and the McCarran-Walter Immigration Act in 1952 has raised grave problems concerning the admission of foreign visitors and immigrants to this country. President Truman, in recognition of these problems, has recently created a Commission on Immigration and Naturalization which has been taking extensive testimony on the effects of the past and present laws and the need for modifying them. President-elect Eisenhower has also pointed out in one of his recent speeches the need for careful revision of these laws. The time, therefore, appears ripe for specific recommendations; and the council, at its meeting of November 12, approved a statement prepared by the Committee on International Relations pointing out some dangers of the present situation and making specific recommendations for improvement. This statement has been transmitted to the President's Commission on Immigration and Naturalization and is reproduced below. Members of the academy who wish to express their own views on this problem are urged to write to Philip B. Perlman, Chairman, the President's Commission on Immigration and Naturalization, the White House, Washington, D. C., and also to their own Senators and Representatives.

TEXT OF THE STATEMENT

The American Academy of Arts and Sciences is gravely concerned by the formidable barriers which now exist to the entry of our foreign colleagues in the arts and sciences into this country. Many distinguished foreign scholars have failed to receive United States visas, even for short visits to attend international meetings in which they can exchange their ideas and the results of their work with their colleagues here. Consequently, it is becoming increasingly difficult to hold international meetings of scholars, artists, and scientists in the United States. Several such meetings, originally supposed to be held in this country, are now being scheduled for other countries. We should emphasize the fact that such meetings deal entirely with unclassified information which is to be made freely available throughout the world. The question of divulging secret information does not arise.

Many cases of this sort have recently been reported in the Bulletin of the Atomic Scientists (October 1952, vol. 8, No. 7). The numerous cases reported there, however, represent only a fraction of the instances in which difficulties have arisen even among workers in the natural sciences. These difficulties are by no means confined to scientific workers. We have learned that distinguished scholars in such entirely different areas as linguistics have also had to face similar barriers when they wished to visit this country for scholarly purposes.

These barriers are a serious threat to the progress of American science and learning because they impede the free interchange of ideas by personal contact between fellow workers in different places. The indebtedness of the United States to foreign scholars and scientists is not always sufficiently appreciated. For example, while the large-scale production of penicillin was first carried out in this country during the war, the fundamental work which made this development possible was almost entirely done in England. Without frequent personal visits and constant interchange of ideas between British and American workers, it is probable that penicillin would not have become generally available for medical use until some years later. Another recent example of the importance of personal contact between workers in different countries may be taken from the field of physics. The fact that mesons can be produced in a cyclotron was first established at the University of California as a result of the introduction of a new technique acquired in England by a visiting physicist from Brazil. This and countless other discoveries would have been long delayed if it had not been for the personal contact between workers in several different countries.

Because of the vital importance of such activities, both to our national economy and national defense, the present restrictions on the entry of foreign scholars to this country are actually dangerous even from the point of view of national security. Moreover, the obstacles to admission of distinguished foreign visitors to this country have results that are often extremely damaging to American prestige abroad. They diminish, among some of our best friends in foreign countries, the trust and respect in which we are held, and thereby tend to nullify some of the major aims of our foreign policy.

Some of the difficulties which at present exist appear to be due to faulty administrative procedure. Others, however, are inherent in the structure of the present laws which govern the entry of aliens into this country. We believe that the McCarran-Walter Immigration and Naturalization Act of 1952, and the McCarran Internal Security Act of 1950, require drastic modification in several respects.

(1) Foreign guests invited to open (unclassified) meetings of recognized scientific and learned societies should receive temporary visas regardless of their political beliefs and affiliations, unless they are specifically barred by the Attorney General on the ground that their admission will be a danger to national security.

(2) At present, the decision of a consul on the granting or refusal of a visa is final and not subject to review at higher levels. It is contrary to the general principles of American law that decisions of such gravity should rest entirely in the hands of a single individual. We believe that such consular decisions should be subject to review by higher authority.

(3) Approved educators, scientists, and scholars should be admitted as immigrants on a nonquota basis, as in the past. This will facilitate the entrance of these valuable individuals with less difficulty and delay than if they are on a quota.

(4) Many provisions in the McCarran-Walter Act of 1952 display a spirit of hostility and suspicion toward the immigrant. We believe that immigrants, once they have been approved for admission, should be regarded as valuable members of our society, who have much to contribute to American life. The large number of distinguished American scientists, artists, and scholars who are foreign-born bears witness to this view. The law must provide for the occasional undesirable alien who may be imprisoned or deported, but it should recognize that the great majority of immigrants accepted by us are welcome additions to our society.

JOHN T. EDSALL,

Chairman, Committee on International Relations.

STATEMENT SUBMITTED BY KATHLEEN HULCHIG, SECRETARY, LEAGUE OF AMERICANS OF UKRAINIAN DESCENT, INC., CHICAGO BRANCH OF UNITED UKRAINIAN AMERICAN RELIEF COMMITTEE, INC., AND OF THE UKRAINIAN CONGRESS COMMITTEE OF AMERICA

LEAGUE OF AMERICANS OF UKRAINIAN DESCENT, INC.,

Chicago, Ill., November 20, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Washington 25, D. C.

GENTLEMEN: Several weeks have passed since the hearings at Chicago; during this period I have been distressed because I felt that important facts had been omitted, or suppressed. In submitting this statement I feel greatly relieved and satisfied that I have done my duty as an American, and humbly ask the honorable Commission to include same in its report.

At various times in the history of our country we have recognized the existence of countries like Ukraine, etc. After World War I, Ukraine was partitioned and put under the rule of Poland, Russia, Rumania, and Czechoslovakia; consequently Ukrainians are now designated as Poles, Russians, Rumanians, or Czechs, in spite of the fact that they speak a Ukrainian language very different from Polish, etc. My opinion is that, because of the constant change in the map of Europe, the nationality (descent) be substituted for the national origin system.

This change would give peoples like Jews, Ukrainians, Croatsians, etc., an allotted quota number of their own; and they would not be consuming that of Poland, Russia, etc. This is the plea which was ignored by the Polish representatives at the Chicago hearings, one of whom made the very false and exaggerated statement that Polish boundaries extended to Kiev and that his organization knew how many Poles there were in the United States whether they were German or other descent. As an American and a descendant of an oppressed peoples, I abhor tactics of planned oppression, as I am sure did the Commission, whom I respect and admire for its patience and judicial qualities.

By allotting quotas to countries in power and ignoring the enslaved peoples, we endorse and encourage the mania of seizure and oppression; however, if quotas are designated to peoples like the Ukrainians, Croatsians, etc., we stress that we

advocate the right of all peoples to a free and democratic way of life; this precedent the United States has set for its standard—let us follow it.

As to emergency legislation for displaced persons, we favor same and assure that Ukrainian DP's will not overburden this country.

Regarding naturalization, I would wish to inform that this department errs in not including all nationalities on its petition form, since a petitioner may be led to believe he may reserve allegiance to a country not listed. For example, a Ukrainian renounces allegiance to Poland or Russia; but the referee and judge do not recognize Ukrainian. Listing and recognizing all nationalities, peoples, descents, etc., is urgently requested by our organization.

Thanking you for your consideration of this plea,

Respectfully submitted,

KATHLEEN HULCHIG, *Secretary.*

STATEMENT SUBMITTED BY O. NICHOLAS WERNER, NEW YORK

NEW YORK, November 20, 1952.

Hon. PHILIP B. PERLMAN,

Chairman of the President's Commission on Immigration and Naturalization, Washington, D. C.

DEAR SIR: It has been a great pleasure and new hope to learn that the President of the United States has set up a Commission on Immigration and Naturalization matters to make recommendation to the new Congress.

May we ask you on this occasion for your kind attention and support of a certain group of displaced persons in the United States.

The House of Representatives passed the so-called DP bill, Public Law 555, as amended in May 1949. The Senate Judiciary Committee brought the proposed bill slightly different from the one accepted by the House, after a long delay, the act as amended was finally enacted on June 17, 1950. During the period elapsed between the debates in the Senate several displaced persons arrived as nonimmigrants in the United States—for instance, students who received scholarships, lecturers, personalities playing a role in economic or political life, and others to take part in the crusade against communism in cooperation with different committees and other American organizations.

These individuals can be regarded as eligible displaced persons, according to the DP law as amended, because they arrived in Western Europe before January 1, 1949. In spite of this fact section 2C could not be applied to them since they have been within the boundaries of the United States. Neither have those been more fortunate who could be regarded as qualified under section 3C. According to orders given by the Department of State, they were able to submit applications to the United States consuls in Canada since the spring of 1951. Consequently many of them were registered after their status as "out of zone refugees" was established. In these cases when the necessary clearances had been obtained most of them were put on the waiting list. These persons received several letters from the Foreign Service of the United States as written promises that their cases would be settled when quota numbers would be available for them. All of these persons after more than a year's promising hope and struggle were notified around July, that since the quota had been oversubscribed for section 3C purposes, their applications could not be accorded while they were residents in the United States.

As they also could not be included in section 4 of the DP Act, because they had arrived in this country after April 30, 1949, they are now stranded without any legal defense, facing deportation proceedings.

May we suggest that section 4 of the DP Act, as amended, made it possible for 15,000 nonimmigrant displaced persons, who arrived legally in the United States, to apply to the Attorney General for permanent residence. We understand that only about 8,000 people have submitted applications. The several thousand unused quota numbers, with the help of a supplementary law, would thus allow at least those who arrived here before the enactment of the DP Act to settle their status.

The same principle prevails in the new Immigration and Naturalization Act (sec. 245, Public Law 414) whereby bona fide nonimmigrants can apply to the Attorney General for permanent residence if a quota number is immediately available.

Before Your Honor makes your proposition to the President, who shows the most human understanding toward the displaced persons, may we ask you to take under your protection the fate of these persecuted refuge-seeking persons, who will be ever grateful for your kind recommendation.

Please accept, sir, our sincere thanks and appreciation.

Faithfully yours,

O. NICHOLAS WERNER.

STATEMENT SUBMITTED BY FRED J. MOSCONE, ATTORNEY, BOSTON, MASS.

BOSTON, MASS., November 21, 1952.

HON. PHILIP PERLMAN,

Chairman, President Truman's Commission on Immigration and Naturalization, Washington, D. C.

MY DEAR SIR: Without expatiating on the infamous provisions of the McCarran-Walter Act, of which you have had abundant evidence to warrant their repeal, I respectfully urge your Commission's favorable consideration and recommendation of the following quota and nonquota system for the admission of aliens to this country in order to relieve the trouble-provoking overpopulation in certain areas of central and southern Europe.

Nonquota immigrants:

Wives and children of United States citizens

Professors, teachers, and clergymen

Quota immigrants:

First priority: Mothers and fathers of United States citizens

Second priority: Wives or husbands and children and parents of legally resident aliens

Third priority: Brothers and sisters of legally resident aliens

Balance of unused portion of the general quota—persons of good health, character, etc.

Your Commission is also respectfully urged to consider and recommend:

(1) That persons of skill be not given preferential status as otherwise the willing, able, and much more needed laborer who constitutes the backbone of this country will be forever excluded from entry;

(2) That all of the unused portions of quotas of other countries, as well as the quotas unused during the late World War, be reassigned to and utilized by the central and southern European nations whose quotas are oversubscribed;

(3) That the 1950 census be used as a base on which to predicate a percentage of nationals and citizens (native and naturalized) of the same nationality in order to secure a more equitable and just administration of the quota provisions;

(4) That the literacy test as a requirement for admission be abrogated, since no convicted traitor has been found to be illiterate and the Medal of Honor winners are mostly sons of uneducated parents. Outstanding citizens like Impelliteri, Pastore, Giannini, LaGuardia, and many others, would not have been here in this country if such a law were in effect when their parents entered the country;

(5) That the requirement of sponsors for nonskilled immigrants be abolished, since it is very difficult and many times impossible for honest, hard-working and faithful applicants who lack social recognition to obtain sponsors, thereby preventing them from coming to these shores;

(6) That the unlimited and arbitrary powers of American consuls abroad to exclude immigrants who are liable to become dependents or delinquents during their natural lives be abrogated, and reasonable standards with discretionary powers be substituted;

(7) That an independent fair hearing be granted to persons who are threatened with deportation and denaturalization, with right of appeal to the district court of the United States;

(8) That minor crimes and offenses such as traffic or labor law violations, etc., be specifically excluded as causes for deportation or denaturalization;

(9) That reasonable discretion be granted to administrative and judicial officials;

(10) In short, that all inequities and racist dogma contained in the act which alienate and antagonize otherwise friendly peoples whom we seek as allies, weaken our industry, and fail to aid the sciences, the arts, and the professions should be removed.

In respect to contributions made by descendants of Italian immigrants to the defense of the United States, it is said on high authority that 11 percent of the Armed Forces of the United States in World War II were of Italian descent.

It is needless to enumerate as I am sure your Commission is aware of the many contributions made by such immigrants and their descendants to the industrial economic, scientific, and cultural development of this great country.

It is now calculated that Europe has an excess population of 5 million and constitutes a grave threat to world peace. The greatest concessions are in Italy and Greece. If some of the pressure in those countries is relieved, the world situation will be safer from explosion.

Italy has seen an influx of 400,000 refugees from the parts of Venezia Giulia occupied by Yugoslavia, Libya, East Africa, and elsewhere, and the Italian population has reached a total of not less than 4 million persons in excess of the economic possibilities of the country.

North and South America, Africa, and Australia have offered some possibilities to relieve the pressure but merely in proportions showing good will and not sufficient to solve the Italian problem. The "closed-door" policy was one of the causes which brought on economic self-sufficiency in some countries and eventually to the last World War. Italy has over 2 million unemployed and 2 million only partially employed. It has a population increase of 400,000 each year. Less than 1 percent of the annual average overseas emigration between 1900 and 1914 is permitted to enter this country from Italy.

Respectfully submitted.

FRED J. MOSCONE.

STATEMENT SUBMITTED BY FRANCES E. SKINNER, EXECUTIVE DIRECTOR,
INTERNATIONAL INSTITUTE, DULUTH, MINN.

INTERNATIONAL INSTITUTE,
Duluth 2, Minn., November 21, 1952.

Mr. PHILIP B. PERLMAN,

*Chairman, President's Commission on Immigration and Naturalization,
Washington 25, D. C.*

DEAR MR. PERLMAN: I was sorry that it was impossible for me to attend the hearing your Commission held in St. Paul last month. Because Duluth is such an unusually cosmopolitan community for a city its size, many of the immigration and naturalization regulations and the sections of the law determining them are applicable to persons whom I know individually. I know of the concern of many recent immigrants regarding the possibilities which may make them be considered ineligible for naturalization, and several of those who have recently been naturalized have come to me with great concern over the possible implications of a strict interpretation of the conditions under which naturalization might be revoked.

Another area of concern relating to the new immigration and naturalization law is the whole matter of quota allocations and use. In the first place, we recognize that the old-population base on which quotas are determined is completely arbitrary and places great penalty on persons from countries most seriously in need of emigration possibilities. The fact that unused quotas of countries are not available to other countries who are greatly oversubscribed is discriminatory and actually fails to be in keeping with our stated total immigration allotment per year. The procedures for allocating quotas to persons of oriental background perpetuates a discriminatory practice which has been only partially cleared up in the new law. Peoples' concept of American democracy suffers when they see this kind of discrimination present in a law so recently passed by our National Congress.

Many residents of this area who had filed assurances for displaced persons have come into the office begging us to do something to help them bring friends, loved ones, or even just families who were going to come to work on their farms. The number of displaced persons left in the pipeline, for whom assurances had been submitted by people in just this locality is startlingly high. Both from the letters following the closing of the DP program and from the concern and need of the sponsors, I have personal knowledge of the severe deprivation which has been caused by the closing down of the program. There is a strong sentiment in favor of canceling the quota "mortgages" incurred under the DP law, and of passing further legislation to provide for displaced persons and refugees who remain unsettled in Europe.

This, in brief, sums up the major experiences which I have observed in our community in recent months and the reaction the new omnibus immigration and nationality law has caused. I hope that this information will be of help to your Commission in preparing its final report.

Sincerely yours,

FRANCES E. SKINNER,
Executive Director.

STATEMENT SUBMITTED BY EDWARD HONG, GENERAL COUNSEL, AND GILBERT B. MOY, EXECUTIVE SECRETARY, CHINESE CONSOLIDATED BENEVOLENT ASSOCIATION OF NEW YORK

NEW YORK 17, N. Y., November 21, 1952.

Hon. HARRY N. ROSENFELD,

Executive Director, President's Commission on Immigration and Naturalization, Washington, D. C.

MY DEAR MR. ROSENFELD: I am enclosing herewith a statement of the Chinese Consolidated Benevolent Association in quadruplicate with reference to comments on the revision of the Immigration and Nationality Act for the consideration of the President's Commission.

I wish to thank you and the Commission again for the opportunity to testify and to submit views of the association.

With very best wishes and regards, I am

Cordially yours,

EDWARD HONG.

Statement of the Chinese Consolidated Benevolent Association of New York With Reference to Revision of the Immigration and Nationality Act

INTRODUCTION

The Chinese Consolidated Benevolent Association of New York, N. Y., representing the entire population of Chinese ancestry and the 65 Chinese family and district of origin associations wishes to express its views with reference to immigration and naturalization laws affecting people of Chinese ancestry.

As a preface we wish to say that great strides have been made toward the reduction of discriminatory immigration and nationality laws relating to Chinese persons since the repeal of the Chinese Exclusion Act. The Immigration and Nationality Act, Public Law 414, Eighty-second Congress, has made another step forward under section 101 (27) A in that it has eliminated the disability of children to join their citizen parents as nonquota immigrants.

Although the Immigration and Nationality Act has removed some restrictions which have been on the statutes too long, the revision of the immigration and nationality laws has retreated to isolationism in many respects. These regressions and outmoded views are the subjects which we are presenting herein for the consideration of the President's Commission on Immigration and Naturalization in its study of the law.

THE QUOTA SYSTEM

The present quota system as provided by the national-origin concept and codified in section 201 (a) of the Immigration and Nationality Act is an arbitrary yardstick and inconsistent with present foreign policy. Although the national-origin concept has been used for many decades, it does not keep step with our new political theories or the necessities of the times.

The developments in communication and events of World War II have brought the people of the world closer together. There exists a need for international exchange of information, trade as well as people. The establishment of the United Nations is to provide peace and harmony among the countries. To attain harmony, the people of the world must understand each other. They must be treated as equal. They must be given equal opportunities. The barriers of immigration must be reduced.

The national-origin concept of determining quotas is not equitable and gives rise to the charges of discrimination and race supremacy. Immigration statistics show that the countries with the biggest quotas never use their full quotas and those that require larger quotas have practically no quotas.

Section 202 (a) and (b) of the Immigration and Nationality Act is discriminatory to people of the Asia-Pacific triangle in the determination of quota

to which an immigrant is chargeable. The provisions for determining the chargeable quota of any alien who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle are unique and again revive the exclusion provisions which have been repealed but codify these in a more subtle form. It again brings these people to the forefront of discrimination for no reason except that of race. This is tantamount to adding insult to injury when these additional restrictions are placed on countries whose quotas are practically nil to begin with. We believe these provisions were adopted purely on the false premise of fear itself but not based on the facts and figures of possible immigration. Under any circumstances these people should not be single out for special treatment unless a clear danger can be shown. These provisions are contrary to our fundamental concept as stated by the Constitution that all men are created equal and should be repealed.

As a means of increasing the quota of oversubscribed countries, we would like to suggest that a formula be established where unused quotas may be carried over and allocated to the oversubscribed-quota areas in direct proportion of their oversubscription to the total oversubscription on record.

DISCRETIONARY RELIEF

Section 214 of the Immigration and Nationality Act has increased the difficulties for the exercise of discretionary relief. This is a regression from the liberal exercise of suspension of deportation under section 19c (2) (b) of the Immigration Act of 1917 as amended. When the amendment became effective on July 1, 1948, many hailed its provision and made applications to adjust their immigration status in the United States. They had hopes of becoming an American citizen and to enjoy the privileges and guaranties of freedom in a democracy exemplified by the United States. Under the new provisions of the Immigration and Nationality Act and the strict interpretation of the statute by administrative regulations read into the law, their dreams of legalizing their immigration status vanished.

The aliens under deportation proceedings and applying for discretionary reliefs do not understand the sudden change in policy. They have the impression that the United States have breached its promise and have again resorted to discrimination against them. As a whole, the people of Chinese ancestry are law-abiding and would become good and exemplary citizens of the United States if they were given the opportunities. It is the fact that they do not have a chance to obtain and enjoy the freedoms of a democratic government in a legal manner that forces them to seek these privileges under any means whether legal or illegal.

Let us examine the consequences of a liberal attitude toward the exercise of suspension of deportation based upon the old interpretation of 7 years' residence. As it affects people of Chinese ancestry, it applies principally to Chinese seamen who have stayed longer than permitted after admission as seamen. The majority of these came to the United States during the years of World War II. There is estimated a total of approximately 3,000 cases of this nature with a maximum of 75 percent of these cases in which the respondents qualify from the standpoint of minimum-residence requirement. This is a relatively small amount in comparison to the unused quota available each year. Attention is invited to the fact that the number of cases cited practically includes all of the seamen and other aliens of Chinese ancestry who are here in the United States without legal status for the past 10 years. This means that the number of persons of Chinese ancestry who gain entry into the United States without the necessary documents to be a very small number annually. The problem, therefore, is not a consequential one nor one of great threat to the security of the United States.

An examination of the cases of those that are now applying for discretionary relief of suspension of deportation under section 19c (2) b of the Immigration Act of 1917 as amended will show that the average age of each respondent to be about 42 or more years of age. The majority of them have been seamen since their early twenties and have come to the United States on different voyages but have only come ashore during the war years. They have abandoned their calling as seamen for many reasons such as the reduction of the merchant marine, shortage of work, and failure to obtain employment for lack of union membership, because they could not join since they are not citizens. True, there are some who have refused to sail during the war years but many of them have already experienced the horrors of enemy action and of survival from sunken ships. The majority of the seamen have served gallantly aboard Allied ships and have sup-

ported the European theater of war, subjecting themselves to constant danger and bombing. Our experience and knowledge of these seamen have given us the opinion that they are hardy and conscientious type of persons, good workers, and a good prospective citizen of the United States. These people after entry have not become parasites of our economy and have not become public charges of any political subdivision of the United States. They have learned their trade well and are well disciplined. We know that most of the seamen come from the Bow On and Ningpo district of China. They generally belong to their district associations which are always very active in civic and community affairs as well as promoting the welfare of its members. These people are a credit to their community.

In the New York area which is typical of the Chinese communities in the United States, most of the people of Chinese ancestry are engaged in the restaurant or laundry industry. Nearly all of the Chinese seamen are engaged in the restaurant business since most of them served as cooks or messmen aboard their ships. The Chinese restaurant industry supports more than half of the United States citizens of Chinese ancestry. There exists a shortage of skilled workers for the Chinese restaurant industry. This is due to the fact that there is no replacement from the domestic sources and there is no replacement from abroad as immigration is only a mere trickle. These seamen who are under deportation proceedings are urgently needed to keep the Chinese restaurant industry from declining. The deportation of these people will not only mean a great economic detriment to the aliens themselves, but also a great detriment to the United States citizens of Chinese ancestry who are owners of restaurants.

We therefore urge that the liberal interpretation of the privilege of suspension of deportation under section 19c (2) b be maintained in view of the fact that only a small and inconsequential number of aliens are involved. It is to be noted that the acquisition of 7 years of residence to qualify for the discretionary relief is in itself a difficult attainment.

DISPLACED PERSONS

Another problem which this association has been concerned is the one relating to persons who have been displaced as a result of the rise to power of the Communist regime in the mainland of China. There are a few thousand persons who are in the United States who cannot return to their native home as a result of the Communist occupation without the fear of political and religious persecutions. They are refugees who are in need of an asylum.

We of this association are for a free and democratic China. We hope that China can soon be free of communistic leadership and that China in its entirety will be a friend of the United States during World War II.

We believe that a displaced-persons program should be established permitting Chinese political refugees to adjust their status in the United States. It would show these people our form of government with its privileges and guaranties of freedom. These people will understand our way of life and will be the carrier through which we may recapture the people who have become dominated in the communistic sphere of influence to that of the western democratic sphere.

The gesture of providing a displaced-persons program to the people of the Far East who have been oppressed will show that we have a definite foreign policy in the Far East. It will definitely prevent the spread of the so-called hate-America propaganda now employed by the Communists.

We strongly believe that American diplomacy in the Far East will gain tremendously in prestige by the adoption of a foreign policy which will show to the Chinese people that they are accorded equal treatment and that we in the United States want them as partners in maintaining world peace. This can be accomplished by the enactment of a fair and just immigration and nationality law.

CONCLUSION

The Chinese Consolidated Benevolent Association of New York, N. Y., recommends to the President's Commission on Immigration and Naturalization the following:

1. A revision of the method of determining quotas to provide larger quotas for countries such as China, based on present trends and the necessities of the times.
2. A system of carry-over and allocation of unused quotas.
3. A liberal interpretation of the exercise of discretionary relief.
4. The establishment of a displaced-persons program for Chinese persons who have been displaced as a result of the rise to power of the Communist regime in the mainland of China.

We further believe that the President's Commission should base its recommendation not upon logic nor upon the existing arbitrary yardstick, but that the revision of the immigration and nationality laws should be based on the welfare of humanity and the felt necessities of the times in pursuance of our fundamental concept that all men are created equal.

Respectfully submitted.

CHINESE CONSOLIDATED BENEVOLENT ASSOCIATION.
GILBERT B. MOY, *Executive Secretary*.
EDWARD HONG, *General Counsel*.

NEW YORK, N. Y., November 21, 1952.

STATEMENT SUBMITTED BY S. I. HAYAKAWA, EDITOR, ETC: A REVIEW OF
GENERAL SEMANTICS

ETC: A REVIEW OF GENERAL SEMANTICS,
Chicago 15, Ill., November 22, 1952.

DEAR MR. PERLMAN: Enclosed is the second installment of the article I sent you last week.

Sincerely yours,

S. I. HAYAKAWA.

[From Chicago Shimpo, November 22, 1952]

LETTERS TO THE EDITOR

Part 2 (continued from November 15 issue)

These are only a few of the second-class citizenship features of the new naturalization laws. Another objection to the act is that it increases the restrictions against East and South Europeans, colonial peoples, people who have 50 percent or more of Asia-Pacific ancestors, and others, by assigning to the already small quotas, where they exist, immigrants with specialized skills formerly admissible on a nonquota basis. Furthermore, quotas for Latvia, Estonia, Greece, Hungary, Lithuania, Poland, and Rumania are cut in half. Hence the vigorous opposition not only from the people from these lands, but but also from Italians, Czechs, Armenians, Chinese, and many others. From my own point of view, I am especially concerned with the obstacles placed before foreign visitors to the United States which will hamper, even more seriously than heretofore, international scientific cooperation. Already several international scientific congresses originally scheduled for the United States have been transferred to other countries.

My contention still, therefore, is that JACL purchased the naturalization rights of Issei at too high a price. The foregoing are some of the costs. That JACL-ADC spokesmen are not unaware of at least some of the costs is indicated by their frequent admission that the McCarran Act is not perfect. Nevertheless, they have not acted as if they thought so. For example, on October 29 at Washington, Mr. Richard Akagi testified before the President's Commission on Immigration and Naturalization. If he felt that the act was not perfect, he had then the opportunity to point out its imperfections and to suggest improvements. Instead he spoke in favor of the act, while 12 or 13 other witnesses appearing that day representing important scientific, religious, and nationality groups testified against it (New York Times, October 30).

It is less than 10 years since the majority of Japanese-Americans in the United States, citizens and noncitizens alike, were behind barbed wire. In those days, a large number of minority group, civic, and religious organizations protested the Japanese relocation, aroused public opinion by speeches and writing, and put their staffs to work in direct social assistance, in the search for jobs and housing, and in community relations work in order that Japanese-Americans might be restored to their free and rightful place in American life. All these organizations that helped us in our time of need came out against the McCarran Act, because they are interested in reducing discrimination against any group. Nevertheless, the JACL supported it, as if to say to all our fellow Americans of other national origins, "We're getting what we want—to hell with you."

I understand that the JACL is planning a Nation-wide series of banquets to celebrate the passage of the McCarran Act—an event which wartime friends and

allies of the Japanese-Americans regard with heartbreak and dismay. I am sure that rank-and-file JACL members are looking forward to these banquets in all innocence, assured by their leaders that they are celebrating a great liberal victory. I should like to implore JACL members to insist to their program committees that the banquet speakers include, in each case, at least one of the earnest and responsible critics of the McCarran Act—such persons as Prof. Edward Shils, of the social-science department of the University of Chicago; Dr. Harold C. Urey; Mr. Bruce Mohler, of the National Catholic Welfare Conference; Dr. Walter W. Van Kirk, of the National Council of the Churches of Christ; Mr. Felix S. Cohen, distinguished authority on American Indian affairs; Senator Paul H. Douglas, of Illinois—so that they might hear from other and more authoritative lips than mine the other side of the McCarran Act story.

When the full story is heard, JACL members will, I am confident, repudiate the racial isolationism and the us-first-and-to-hell-with-everybody-else philosophy that appears to be current JACL policy. In such an event, the banquets can be a celebration indeed—a celebration not only of the naturalization of our Issei, but also of the reunion of JACL with all those other humane and generous organizations that are seeking to end unfair discrimination in all its forms.

S. I. HAYAKAWA.

STATEMENT SUBMITTED BY MRS. C. A. LEE, REGENT, WADSWORTH TRAIL CHAPTER,
DAUGHTERS OF THE AMERICAN REVOLUTION

MORRIS AUTOMOBILE CO.,
Morris, Minn., November 24, 1952.

MR. PHILIP B. PERLMAN,
*Chairman of the President's Commission,
Immigration and Naturalization, Washington, D. C.*

DEAR SIR: We are writing you to protest against any changes in the McCarran-Walter bill. The protective provisions which have been a part of our immigration system for years should not be removed. Furthermore the admission of an estimated million and a half more immigrants annually to our country would be a mistake at this time.

We commend you for your great effort in this matter and we will do all that we can to help defeat the Humphrey-Lehman bill.

Respectfully yours,

HAZEL R. LEE
Mrs. C. A. Lee,
Regent Wadsworth Trail Chapter, Daughters of the American Revolution.

STATEMENT SUBMITTED BY RABBI EDWARD T. SANDROW, PRESIDENT, SOUTH SHORE
JEWISH COMMUNITY COUNCIL, CEDARHURST, LONG ISLAND, N. Y.

SOUTH SHORE JEWISH COMMUNITY COUNCIL,
Cedarhurst, Long Island, N. Y., November 25, 1952.

MR. PHILIP B. PERLMAN,
*President's Commission on Immigration,
Washington, D. C.*

DEAR MR. PERLMAN: This letter is submitted by the South Shore Jewish Community Council in behalf of the 20 Jewish religious and community organizations which comprise the council. Because of our deep conviction that United States immigration policy must conform to the principles of equality and democracy, we respectfully request that this statement be inserted into the official record of the Commission.

May we at the outset commend the Commission for its wisdom in conducting public hearings throughout the United States for the purpose of learning the views of the American people as to what our immigration policy should be. By this means, you have focused public attention on this vital issue which affects all Americans so deeply.

We feel that the McCarran-Walter Immigration Act is unworthy of an America which was built by immigrants and the sons of immigrants. The act is a hodge-podge of racial discrimination, of sullen hostility to many of the peoples of the world, of blatant violations of traditional American liberties. It repudiates our basic religious concepts, our belief in the brotherhood of man, and the sanctity of

every individual. It must be replaced by an immigration law which will be just, humane, in keeping with our democratic heritage and with our position of leadership in the free world. Such a law must be based on the following principles:

1. *Elimination of the national origins quota systems.*—As President Truman correctly noted in his message vetoing the McCarran Act, the national origins quota system, which provides the basis for admission to the United States was devised to "cut down and virtually eliminate immigration to this country from Southern and Eastern Europe." This formula was vicious and unworthy when it was first adopted in 1924. It is even more fantastic that in 1952 we should again enact into law the doctrine of racial superiority. We urge the Commission to give careful consideration to evolving a workable substitute for the national origins quota system which will once again extend the hand of welcome to seekers of freedom and asylum in our land.

2. *Temper deportation provisions.*—The McCarran Act provides many new grounds for deportation from the United States, many of which are terribly harsh and cruel. For example, an alien who becomes a public charge or is committed to a mental institution, irrespective of the fact that he is not at fault for his predicament, is deportable. Deportation used as a penalty is inhumane and medieval. An alien who does wrong should be punished for his wrong the same as a citizen but the punishment should not carry with it the added penalty of banishment unless the security of the United States clearly requires such drastic action.

3. There must be no second-class citizenship in America. The McCarran Act metes out harsher penalties to naturalized Americans than to native Americans. Such distinctions between Americans contradict the basic concepts of democracy and must be eliminated.

4. The heart of the American system of justice is that each person should be accorded a fair hearing. Public Law 414 ignores this principle by refusing to grant to immigrants or aliens the necessary judicial protection which accompanies the concept of fair hearing. It denies the opportunity for further hearing to any alien who may in the discretion of the examining officer appear to be excludable. We urge the establishment of a visa review board empowered to review and, if necessary, reverse consular decisions to issue or deny visas. This would give both the immigrant and the immigration process the protection and safeguards both need.

CONCLUSION

The McCarran immigration law is an affront to many peoples of the world. It stultifies the United States by making a mockery of our professions of democracy. In the light of the growing public recognition of the evil of this law to which recognition your Commission has contributed vastly, we are confident that the American people will demand and will get a new immigration law which will be consonant with the great American tradition of humanitarianism and the democratic concepts of equality, fair play, and justice.

Thank you for your consideration.

Respectfully,

Rabbi EDWARD T. SANDROW, *President.*

STATEMENT SUBMITTED BY ANNA MARIE CURTIN, THE AMERICANIZATION LEAGUE OF SYRACUSE AND ONONDAGA COUNTY, INC.

THE AMERICANIZATION LEAGUE OF SYRACUSE
AND ONONDAGA COUNTY, INC.,
November 25, 1952.

MR. HARRY N. ROSENFELD,

Executive Director, President's Commission on Immigration and Naturalization,

Executive Office, Washington, D. C.

MY DEAR MR. ROSENFELD: I have been watching very carefully the press releases in regard to the hearings of the President's Commission in regard to the new immigration and naturalization law. I feel that the question of the quotas and other objections sections have been very fully covered, but I am anxious in regard to the deportation sections. I hope very much that something will be done to give relief to parents of American-born children so that they will not have to leave the United States and take the children with them, as all good parents will do, and thus deprive them of the American way of life.

Just a short time ago, this organization was interested in a case of two persons, both college graduates, the man a well-qualified electrical engineer, parents of two American-born children who were granted voluntary departure in lieu of deportation and therefore have left the United States with their children and have gone to a country where we have given much aid. My question is, Why deprive these children of an American education as well as deprive the United States of the services of their father, who I am sure would be very useful to us in his chosen field?

If there is anything I can do to assist the Commission in the way of information from this part of the country, I shall be very glad to do so.

Very sincerely yours,

ANNA MARIE CURTIN,
Information Secretary.

STATEMENT SUBMITTED BY JOHN H. FERGUSON, CLEVELAND, OHIO

NOVEMBER 21, 1952.

THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Washington, D. C.

(Attention of Mr. Harry N. Rosenfield, Executive Director.)

GENTLEMEN: You can be proud of the conduct of your hearing. The solicitous interest of the committee was commendable.

It was a privilege to attend the hearing in Cleveland, and the opportunity to present my views on immigration and naturalization laws is indeed appreciated.

Yours truly,

JOHN H. FERGUSON.

STATEMENT ON IMMIGRATION AND NATURALIZATION

An immigration law could be a test case of the international relations of the United States.

World conditions demand that relief be provided for population pressures. It is imperative that the United States assume the leadership in immigration policy, and by our example, interest other nations in this difficult problem.

The immigrant-receiving countries of the world have a very definite need for the skill and training of thousands of persons seeking relief in Europe and elsewhere.

Present economic conditions warrant the admittance of many more immigrants to this country of ours. The existing shortages in numerous occupations could be filled by deserving persons selected from the populations of overcrowded Europe. The demand for manpower here is increasing with our assumption of world responsibility.

Effective administration of a sound immigration policy, written into law, would be most desirable in establishing the friendship of many nations, so necessary in the future foreign relations of our country.

Public Law 414 is commendable for its preference-quota provisions covering fireside relatives, skilled persons, and the partial removal of racial barriers.

The literacy tests are liberal. The revision and codification of the sundry related laws are noteworthy.

The bill should provide for the admission of at least 300,000 eligible persons in view of our manpower needs and disturbed world conditions.

The national-origins-quota basis might be liberalized to recognize the present-day population figures and language facility as criteria for quota assignment. It should be advantageous to the prospective immigrant to speak our language.

Discrimination of citizens of any country in our laws is not consistent with American ideals. The Asiatic-ancestry clause could engender hatred in Canada, France, and other countries.

Naturalization time requirements of accepted immigrants could be shortened to 3 years, for those persons desirous of citizenship and able to meet the tests provided by law.

First papers, acknowledged and executed according to law, could be recognized as relief from the provisions of the alien-registration laws. A periodic check on progress toward citizenship would substitute to advantage.

The embarrassment of 18-year-olds and the fingerprinting of 14-year-old children might well be avoided for our future citizens.

A limitation clause and punishment under our own laws for infractions would be more consistent with our national ideals of justice.

Public Law 414 might well be a test case in international relations of the United States.

May God guide our destiny.

JOHN H. FERGUSON

STATEMENT SUBMITTED BY MRS. INEZ E. MOORE, VALDEZ, ALASKA

VALDEZ, ALASKA, *November 24, 1952.*

THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Washington, D. C.

GENTLEMEN: For ages Alaskans have been fighting for statehood to no avail, and now must go a step farther and fight to keep from becoming the penal colony of the United States.

If the McCarran Act goes into effect next month, who will pay for the building of a moat between Alaska and Canada? For I am sure Canada will not want any of the penal colony folks coming into her territory. Then, too, when you get the McCarran mote built, will you station soldiers along it to shoot any of we Alaskans who attempt to swim to freedom?

Since we have no screening of those who come from the States, all your ex-convicts, dope peddlers, sex hounds, confidence men, etc., can make their way here without showing passports, birth certificates, birth dates, or birthmarks, but we, as law-abiding citizens, must do all that in order to go on a shopping trip to Seattle. If we don't pass the rigid test, does McCarran pay our return transportation, or do we just jump overboard? No 12-story buildings here to jump from.

Perhaps the McCarran committee plan on using Alaska for the dumping of war prisoners who refuse to return to their own countries. Wonder if that is why it is being rushed into law?

I am just one of the many who do have Alaska in mind when we want a few things done that are open and aboveboard. I am not a foreigner, for I was born in Illinois in 1886. Taught in five States in the Union as well as taught Eskimos on the Yukon and above the Arctic Circle. Fought for a hospital on the lower Yukon where the nearest doctor or nurse was more than 400 miles away and no transportation. I asked for the first traveling nurse in Alaska. That because the petition for hospital was turned down. Fought for landing fields and air-mail delivery on the Yukon after they had ceased to have dog-team delivery to established post offices. Since coming to Valdez have fought for better local government and to keep Japs from hogging the fishing rights of folks at the mouths of the Yukon and Kuskokwim Rivers, also to have the eagle bounty law abolished after we taxpayers were out \$200,000 to Canadians, transient fishing folks, etc., to the tune of \$2 a pair for eagle claws. And now of all things we must put up a fight for the rights as citizens.

At this rate I wouldn't be surprised if Alaska declared war on the United States.

Thank you.

MRS. INEZ E. MOORE.

STATEMENT SUBMITTED BY STANLEY L. JOHNSON, SECRETARY-TREASURER, ILLINOIS,
STATE FEDERATION OF LABOR OF THE AMERICAN FEDERATION OF LABOR (A. F. OF L.).

ILLINOIS STATE FEDERATION OF LABOR,
Chicago, Ill., November 26, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Washington, D. C.

GENTLEMEN: Enclosed is the statement on behalf of the Illinois State Federation of Labor which was presented by our general counsel, Daniel D. Carmell, before the Commission in Chicago at a recent date.

Yours very truly,

STANLEY L. JOHNSON, *Secretary-Treasurer.*

STATEMENT ON BEHALF OF THE ILLINOIS STATE FEDERATION OF LABOR (AFL)

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
G Street NW., Washington, D. C.

The McCarran-Walter Immigration and Nationality Act passed by Congress over President Truman's veto was designed to bring together under one cover the various laws which heretofore had dealt separately with divers aspects and phases of the immigration and naturalization of aliens in the United States. Although the law contains some good points, the basic approach of the act to the problem involved is what concerns us.

The annual number of immigrants allowed to enter the United States is based upon a quota system. This system as it was established in the Immigration Act of 1924 has been retained and continued in the new act, which we believe is presently inadequate and discriminatory. It is supposed to reflect the composition of the national origin of the inhabitants of the country in the year 1920. Not only is such a yardstick not equitable but it is actually incorrect, unrealistic, and not in accordance with the present-day status of the population. Of the total number of 154,000 annual quotas permitted under the law, 65,700 are allotted to Great Britain, 25,900 to Germany, and 17,800 to Ireland. Every other country has an annual quota allotment of less than 7,000. This is obviously discriminatory against the immigrants coming particularly from eastern and southern Europe and is, moreover, tragic, because it makes the immigration of many freedom-loving people, especially of those who escaped from the countries behind the iron curtain, practically impossible, since no transfer of unused quotas from one country to another is permissible under the act. But even these pitifully small quotas, as far as most of the countries of the world are concerned, will, under the new scheme of the act, probably never be filled.

Thus, under section 203 of the act, quotas must be allocated in such a manner as to reserve the first 50 percent of each annual quota to those immigrants "whose services are determined by the Attorney General to be needed urgently in the United States because of the high education, technical training, specialized experience, or exceptional ability of such immigrants and to be substantially beneficial prospectively to the national economy, cultural interests, or welfare of the United States." It is obvious that, if these provisions are interpreted as they read, only very few individuals will be able to fulfill these requirements and to enter the country under the first 50 percent of the quota. On the other hand, the very same provisions carry substantial dangers within themselves. If, for instance, the Attorney General is hostile to labor, he might declare that certain immigrants, because of their technical training or specialized experience, are urgently needed in the United States and might then allow these men to come into the country under the 50 percent preferred quota so that they may take the places of Americans who are also highly skilled but who will not work for the wages paid to the new immigrant. Provisions in the previous law which were designed to protect the economic status of American labor were eliminated from the present act. Thus, the exclusion of contract laborers from immigration and of persons induced or assisted to come to this country is omitted from the new act. It is true that the new act provides for the exclusion of aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor if the Secretary of Labor has determined that there are sufficient available workers in the locality of the aliens' destination who are able, willing, and qualified to perform such labor and that the employment of such aliens will adversely affect the wages and working conditions of workers in the United States similarly employed. But this provision is not applicable to those aliens covered by the 50 percent preference quota. Thus, the conception that the Attorney General might be induced to use the 50 percent preference quota for other purposes inimical to labor is present and realistic.

Another point of importance which is not consistent with our professed sincerity that we are a Nation of equality of all men is to be found in the added emphasis placed by the new law upon racial origin as a criterion for immigration. Although the act makes, in general, all people, regardless of race, eligible for immigration, it places at the same time a stigma on oriental or part-oriental ancestry, by providing that a person born in any European or other country outside the Asia-Pacific triangle "who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the 'Asia-Pacific triangle'" shall be

chargeable not to the quota of the country in which he was born but to the quota of the Asiatic country of his ancestors, or, if no such quota exists, to the "Asia-Pacific triangle" quota of 100. Thus, if, for instance, a man born in France of Burmese ancestors and living there all his life married a French girl who bore him a son, the son, if he wished to emigrate to the United States, would not come under the French but rather under the Burmese quota. This, we submit, is an unfortunate discrimination.

The new act flouts the most fundamental principles of American justice. It provides, for instance, in section 242 (b) that "a special inquiry officer shall conduct proceedings under this section to determine the deportability of any alien, and shall administer oaths, present and receive evidence, interrogate, examine, and cross-examine the alien or witnesses, and, as authorized by the Attorney General, shall make determinations, including orders of deportation." From these provisions it can be seen that the inquiry officer functions partly as prosecutor and partly as judge, a practice which is obnoxious to the Federal Administrative Procedure Act, an act which was sponsored by Senator McCarran, which was designed to check the unbridled power of administrative agencies. It should also be pointed out that the decision of the Attorney General is final with respect to the determination whether an alien should be deported or not and that no court review is possible with respect to this determination, an almost unheard-of power vested in an administrative official, because this power frequently might mean a decision over life and death of the alien to be deported.

In the foregoing statement, only a few points of that involved and lengthy act were discussed. But these points illustrate quite well the wrong approach which is taken by the law toward the problem in question, an approach which is in clear contravention to the principles and ideas which we profess to follow and upon which our Constitution and, thereby, our country is founded.

This does not mean that persons whose adherence to the principles of our Constitution and who obtained their citizenship by falsely and fraudulently concealing those facts which they intend to use against the existence of a country which protects them should have the protection of citizenship, nor should a person who hides his former serious criminal career or tendencies, when falsely obtaining citizenship, be protected, but a system of prompt and speedy fair hearings should be provided for the ascertainment of those facts, thus upholding the American principles of justice.

We also recommend that 1950 should be substituted for 1920 as a basis for quota computation; that there be a provision for pooling of unused quotas so that the pooled quota be given to persons without regard to quota areas.

Respectfully submitted.

ILLINOIS STATE FEDERATION OF LABOR (AFL),
By DANIEL D. CARMELL, *General Counsel*.

STATEMENT SUBMITTED BY REV. DANILA PASCU, PASTOR, THE RUMANIAN BAPTIST CHURCH, CLEVELAND, OHIO

7011 DETROIT AVENUE, CLEVELAND, OHIO,
November 26, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Washington, D. C.

GENTLEMEN: I have your letter dated November 20, 1952. In replying to this letter I want to take this occasion to thank you so much for the hearing in Cleveland, which gave us the opportunity to voice our opinions concerning our immigration laws.

In the summer of 1948, I was sent by the Baptists of Cleveland to Europe, more specifically to Paris and London, to make a study of the Rumanian refugees in Paris and report to the relief commission of the Baptist World Alliance. In this mission I have met with the bulk of the Rumanian refugees of all denominations living in Paris, and through the Rumanians I have met also the Yugoslav group. During my stay in Paris I came across very good people who wanted to come to the United States, but were not eligible for visas because of certain provisions in our immigration laws.

The case example I want to submit is that of Mr. Moratin Comanicu, a Rumanian attorney who found haven in Paris. I was interested to help Mr. Comanicu to come to the States because I felt that he is a very fine, trustworthy, and useful man. The majority of the Rumanian refugees in Paris told me that this man is

one of the best elements we have there. Comaniciu was condemned to death in absentia by the Communist government. While in Rumania he found refuge in the home of our National Peasant Party leader, Iuliu Maniu, and from the documents he presented to me I saw that he was an associate of the Rumanian Premier Iuliu Maniu since 1942. He was the leader of an important group of the Rumanian Iron Guard who took his followers in Iuliu Maniu's party, keeping in touch with the Allies and helping them in every way they could through the underground.

When the Communists came, he went underground and established with his followers channels of getting democratic elements who wanted to flee west out of the country. And finally he succeeded to get out himself. He moved every stone in Paris to get into the quota of political persecutees and come to the United States, but because of Senator McCarran's Security Act he was not accepted, because at some time before 1942 he belonged to the Iron Guard Party of Rumania. This man wondered if there is in the United States Immigration Service somebody who would take his case as well as that of others in the same predicament and solve them according to their merits rather than in a quantum with all kinds of undesirable persons the Security Act meant to keep out.

Today this man is in Strasburg teaching at the university sponsored by Free Europe. He is at the head of the Rumanian section of this university. His address is Moratiu Comaniciu, 37 Rue Geiler (chez Muller), Strasburg. The American consulate at Paris must have his papers.

2. Another man in somewhat similar situation is Mr. Vasiliu Cluj, a famous Rumanian attorney in the capital city of Rumania. He was well known in Rumania. Mr. Comaniciu knows about his present whereabouts. I believe Mr. Vasiliu Cluj must be at some of his Rumanian friends in London. I know this is a fine gentleman, and I know he is in great need, in exile.

3. Finally a third case example is that of the Rumanian poet Aron Cotrus, who at present with his wife found haven in Spain. His address: 61 Calle de Zurbano IV Drive, Madrid, Spain.

Mr. Cotrus is regarded as the greatest Rumanian poet, by others he is regarded the greatest Latin poet. He has some relations in Cleveland but all their struggle to bring him here met with failure. This gentleman's case is not solved, because the Rumanian quota is so small compared with other nationalities, and this small quota was kept such by the new McCarran law. Cotrus is registered in the regular Rumanian quota but the number allowed to come is so small, and the quota is filled in advance. A revision of the McCarran Act and the assigning for Rumanians of a larger number, would take care of Aron Cotrus and many other valuable men like him. The free nations are inspired by this poet's works all over the world. Why could we not help him to make his home here in the States with the rest of the freedom-loving people?

4. Finally the new immigration law known as the McCarran Act brought consternation in the minds of many Southern European refugees, because it gives the impression of shutting the door in their nose. These people come mostly from behind the iron curtain, and their relatives are still there, struggling for their liberation. Their cherished hope is the help and understanding they expect from the United States. The McCarran immigration law does not encourage such a hope and understanding.

5. And last, my personal opinion is that the McCarran immigration law robs the original value of my citizenship. A few years ago it seems that this citizenship had more permanent value. It was not easy to take a citizenship away. I am a naturalized citizen, so is my wife and two children. The other day there was a story in the Cleveland newspapers, about two youngsters who happened to be DP's, one was 14 the other 18. They stole something from a grocery store. The paper came right away with the conclusion that the older boy is subject to deportation. And why not, if the McCarran Act opens the door so wide open, the poor naturalized citizen has constantly to pray to God to keep him away from certain officials whose opinion will have so much to say with his remaining a citizen or be subject to deportation. If I have to pay taxes like any other citizens, if I am called to render the supreme duty to my country, if I am to raise my children American patriots why then am I discriminated against at a certain point?

If additional information is needed, I shall be at your service.

Sincerely yours,

Rev. DANILA PASCU,
Pastor of the Rumanian Baptist Church in Cleveland, Ohio

STATEMENT SUBMITTED BY H. WILLIAM IHRIG, MILWAUKEE, WIS.

MILWAUKEE 2, WIS., November 29, 1952.

Mr. E. M. SHIRK for Mr. HARRY N. ROSENFELD,

*President's Commission on Immigration and Naturalization,
Washington, D. C.*

DEAR SIR: Thank you for your inquiring wire of November 26, 1952.

To each person who analyzes the act of June 27, 1952, its defects appear with clarity but your Commission members demonstrated an understanding of the shortcomings of the new law as I listened to their questions put to the witnesses before them.

Instead of myself making suggestions, I wish to say I confidently believe that sound legislative proposals are within the capability and the contemplation of the committee members and their staff which would remedy the defects in the forthcoming basic immigration and naturalization law.

My earnest suggestion for the President to wipe the slate clean of offenses under previous immigration and naturalization laws as an absolute minimum, to accompany the forthcoming law, if it was not to be monstrous, is the result of years of thinking about the provisions of the various bills which were proposed and in part included in the forthcoming law to go into effect December 24, 1952.

Such past cases as should not be pardoned would be excepted in the proclamation as drawn up, if those cases were acted upon affirmatively by the Department of Justice through its Civil and Criminal Divisions and by the Immigration and Naturalization Service.

I again suggest to the able Commission members and its able staff that, in their wisdom they review the terms of the enclosed proclamation and as they finally believe that bad cases have been eliminated from its benefits that the President be requested in this manner to write a new deal for those who have come to our shores or who have been naturalized up to June 26, 1952.

The new McCarran-Walter Act recreates the same philosophy which Chief Justice Marshall, in 1807 sitting at Richmond, Va., said was un-American in *United States v. Aaron Burr* (25 Fed. Cas., pp. 1-207 (No. 14,694a)).

A Presidential amnesty alone can keep the new law from being too harmful, until Congress can relieve its various shortcomings.

Respectfully yours,

H. WILLIAM IHRIG.

**PROPOSED PRESIDENTIAL PROCLAMATION OF AMNESTY FOR OFFENSES UNDER FORMER
IMMIGRATION AND NATURALIZATION LAWS**

Whereas, in and by the Constitution of the United States, it is provided that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment," and

Whereas the McCarran-Walter Immigration Act of June 27, 1952, becomes effective on December 24, 1952, and

Whereas the retroactive provisions of such new Immigration and Naturalization Act which becomes effective on December 23, 1952, were denied by its authors to have been in their contemplation in the enactment thereof over my veto in part specifically directed against such retroactive aspects of such legislation, and

Whereas in the previous general revisions of the immigration and naturalization laws enacted by Congress between 1907 and 1940 provided millions of new immigrants and present and prospective American citizens who are to be a part of the strong foundation on which the future greatness and destiny of this Nation depends, and

Whereas, ambiguous provisions of the new immigration and naturalization law not only threatens to make second-class citizens out of first-class prospects for American citizenship and to place a threatening legal cloud over the right to naturalization of many of those past immigrants to this country who have not as yet completed their American naturalization, but also to threaten many thousands of those already naturalized and who are to be naturalized under the provisions of the new law with a degraded fear to enjoy our historic constitutional right of liberty of speech, which threats are contrary to decent American sentiments of fair play and of public righteousness and justice in these important

matters of American citizenship which we cannot degrade in others without ourselves being degraded thereby, and

Whereas the price of our liberty is that we be ever vigilant to protect it for others amongst us, and

Whereas the power of the Chief Executive to reprieve and pardon and to issue proclamations of amnesty is provided by the Constitution to be unfettered by any legislative restrictions and to provide the force of public law to its execution to enable the President in the execution of his sovereign office with the benign prerogative of mercy for him to execute in the public interest, and

Whereas American liberty will be strengthened by enlarging the number and the clear right of those who are without degrading fear to exercise our basic liberties which become strengthened by being exercised in these days of threatening totalitarian illusions, and

Whereas it is fundamental Americanism to believe that those immigrants from all parts of the world who come to our shores and have the object lessons of the comparison of life in those lands from which they came and as they have found it here have messages for us of value which they should be encouraged to freely express:

Therefore, I, Harry S. Truman, President of the United States, do proclaim, declare, and make known to all persons who have directly or indirectly or by implication violated any of the provisions of the several immigration or naturalization laws of the United States or of the acts amendatory thereof or supplementary thereto, from and after the act of June 29, 1906 (34 Stat. 596), providing for the Federal supervision of naturalization and the establishment of the Bureau of Immigration, or of the several regulations promulgated thereunder or of those amendatory thereof or supplementary thereto as may have been in effect from June 29, 1906, or prior to and including midnight of June 26, 1952; except as hereinafter excepted, that amnesty and a full pardon is hereby granted to them and each of them, but on the condition nevertheless that every such person shall have been in the United States or in any waters, territory, or other place subject to the jurisdiction thereof, at the time of the promulgation of this amnesty and pardon.

The following classes are excepted from the benefits of this proclamation:

1. Persons heretofore convicted of such offense by a court of competent jurisdiction and such conviction is not reversed on appeal.

2. Persons against whom criminal actions are pending in a court of competent jurisdiction for such offense.

3. Persons against whom criminal actions are within 6 months hereafter filed in a court of competent jurisdiction for such offense.

4. Persons heretofore ordered deported for such offense by the final decision of the Attorney General, unless the Attorney General (a) duly permits such alien to depart from the United States to any country of his choice at his own expense, in lieu of deportation, or duly suspends deportation of such alien if not ineligible to naturalization in the United States if he finds such deportation would result in serious economic detriment to a citizen or legally resident alien who is the spouse, parent, or minor child of such deportable alien.

5. Persons against whom deportation proceedings are duly pending by the service of a deportation warrant.

6. Persons against whom deportation proceedings are within 6 months hereafter commenced by the service of a deportation warrant.

7. Persons heretofore denaturalized because they obtained their United States naturalization by fraud and such judgment is not reversed on appeal.

8. Persons against whom a denaturalization action is pending in a court of competent jurisdiction.

9. Persons against whom a denaturalization action is within 6 months hereafter filed in a court of competent jurisdiction.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this _____ day of December 1952 and of the Independence of the United States of America the one hundred and seventy-seventh.

By the President :

Secretary of State

STATEMENTS SUBMITTED BY MRS. W. H. ANDREWS, GARDEN CITY, N. Y.; MRS. FRED A. BROWN, WRIGHTSVILLE, PA.; FRED A. BROWN, WRIGHTSVILLE, PA.; MRS. JOHN KING, FAIRFAX, VA., AND MRS. M. THERESA GUARDENIER, EAST SPRINGFIELD, N. Y.

(The following was submitted by each of the above:)

My name is _____ and my address is _____. I wish to testify in support of the immigration laws of the United States as a citizen of this country. I am not a technician in this field, but I believe in majority rule, and I trust the judgment of Congress which passed the Immigration and Nationality Act over the veto of the President by a majority of more than 2 to 1. I think we should give this law a chance to work, and that we should not forget that this law was enacted after a 4-year study of the problem by Congress during which everyone who wanted to testify was heard. If there is anything wrong with this law, notwithstanding the fact that it was supported by all of the experts in the Department of State and the Department of Justice, a fair period of its operation will bring out its defects. I hope Congress will not be misled by the minority opponents of the law, as it represents the will of the majority of our people.

STATEMENT SUBMITTED BY MRS. SHERMAN F. WORSTER, BROOKLYN, N. Y.

BROOKLYN, N. Y., November 17, 1952.

MR. HARRY N. ROSENFELD,

*President's Commission on Immigration,
Washington, D. C.*

DEAR SIR: My name is Louise M. Worster of 974 East Eighteenth Street, Brooklyn, N. Y., and I wish to testify in support of the immigration laws of the United States as a citizen of this country. I am not a technician in this field, but I believe in majority rule, and I trust the judgment of Congress which passed the Immigration and Nationality Act over the veto of the President by a majority of more than 2 to 1. I think we should give this law a chance to work, and that we should not forget that this law was enacted after a 4-year study of the problem by Congress during which everyone who wanted to testify was heard. If there is anything wrong with this law, notwithstanding the fact that it was supported by all of the experts in the Department of State and the Department of Justice, a fair period of its operation will bring out its defects.

I hope Congress will not be misled by the minority opponents of the law, as it represents the will of the majority of people.

Yours truly,

(MRS. S. F.) LOUISE M. WORSTER.

STATEMENT SUBMITTED BY BLANCHE O. GUARDENIER, BROOKLYN, N. Y.

BROOKLYN, N. Y., November 13, 1952.

MR. HARRY ROSENFELD,

President's Commission on Immigration, Washington, D. C.

MY DEAR MR. ROSENFELD: My name is (Miss) Blanche O. Guardenier and my address is 1195 Union Street, Brooklyn 25, N. Y.

I wish to testify in support of the immigration laws of the United States as a citizen of this country and as a member of the National Society, Daughters of the American Revolution. I am not a technician in this field, but I believe in majority rule and I trust the judgment of Congress which passed the Immigration and Nationality Act over the veto of the President by a majority of more than 2 to 1.

I think we should give this law a chance to work and that we should not forget that this law was enacted after a 4-year study of the problem by Congress during which everyone who wanted to testify was heard. If there is anything wrong with this law, notwithstanding the fact that it was supported by all of the experts in the Department of State and the Department of Justice, a fair period of its operation will bring out its defects. I hope Congress will not be misled by the minority opponents of the law, as it represents the will of the majority of our people.

If these foreign countries are overflowing with population, why aren't these men serving in the United Nations army in Korea? Fifty-four nations endorsed this Korean war, but Americans are still 90 percent of the forces fighting and dying in Korea.

How can our country absorb the tremendous number of people who wish to enter the United States without chaos in our laboring groups?

The employment in the United States is high, but won't it put Americans out of work when these aliens pour in? About 1,600,000 Americans are being paid unemployment compensation at the present time.

Yours truly,

MISS BLANCHE O. GUARDENIER.

STATEMENT SUBMITTED BY MRS. GEORGE A. WILSON, LA CANADA, CALIF.

LA CANADA, CALIF., November 15, 1952.

MR. HARRY N. ROSENFELD,

President's Commission on Immigration, Washington, D. C.

DEAR SIR: I wish to testify in support of the immigration laws of the United States as a citizen of this country. I am not a technician in this field, but I believe in majority rule and I trust the judgment of Congress which passed the Immigration and Nationality Act over the veto of the President by a majority of more than 2 to 1. I think we should give this law a chance to work and that we should not forget that this law was enacted after a 4-year study of the problem by Congress during which everyone who wanted to testify was heard. If there is anything wrong with this law, notwithstanding the fact that it was supported by all of the experts in the Department of State and the Department of Justice, a fair period of its operation will bring out its defects. I hope Congress will not be misled by the minority opponents of the law, as it represents the will of the majority of our people.

Since the McCarran-Walter bill does not go into effect until December 24, how can the Commission report on a law that has been in effect only 6 days before January 1, 1953? It seems to me the President has exceeded his power to this Commission since Congress overrode his veto.

Most respectfully yours,

MRS. GEORGE A. WILSON.

STATEMENT SUBMITTED BY RUTH H. NEWBOLD, CLINTON, CONN.

CLINTON, CONN., November 16, 1952.

MR. HARRY N. ROSENFELD,

President's Commission on Immigration, Washington, D. C.

DEAR SIR: Please give the Immigration and Nationality Act a chance. It was enacted after a great deal of study by Congress and should be allowed to be put in practice and then if any flaws appear, they can be corrected.

The minority opponents of the act are not representative of the general feeling and should not be obeyed.

Sincerely yours,

RUTH H. NEWBOLD.

STATEMENT SUBMITTED BY MRS. WALTER S. NEWTON, BROOKLYN, N. Y.

Brooklyn, N. Y., November 17, 1952.

MR. HARRY ROSENFELD,

President's Commission on Immigration, Washington, D. C.

DEAR SIR: I wish to testify in support of the immigration laws of the United States as a citizen of this country.

I believe in majority rule, and trust the judgment of Congress which passed the Immigration and Naturalization Act over the President's veto. I hope Congress will not be misled by the minority opponents of the law, as it represents the will of the majority of the people.

Yours truly,

(Mrs. Walter S.) LULA P. NEWTON.

STATEMENT SUBMITTED BY IVA LAKE BRENNAN, BROOKLYN, N. Y.

My name is Iva Lake Brennan, and my address is 440 East Twenty-second Street, Brooklyn 26, N. Y. I wish to testify in support of the immigration laws of the United States, as a citizen of this country. I am not a technician in this field, but I believe in majority rule and I trust the judgment of Congress which passed the Immigration and Nationality Act over the veto of the President by a majority of more than 2 to 1. I think we should give this law a chance to work and that we should not forget that this law was enacted after a 4-year study of the problem by Congress, during which everyone who wanted to testify, was heard. If there is anything wrong with this law, notwithstanding the fact that it was supported by all of the experts in the Department of State and the Department of Justice, a fair period of its operation will bring out its defects. I hope Congress will not be misled by the minority opponents of the law, as it represents the will of the majority of our people.

If these foreign countries are overflowing with population, why aren't these men serving in the United Nations Army in Korea? Fifty-four nations endorsed this Korean war, but Americans are still 90 percent of the forces fighting and dying in Korea.

How can our country absorb the tremendous number of people who wish to enter the United States, without chaos in our laboring groups? The employment in the United States is high, but won't it put Americans out of work when these aliens pour in? About 1 million Americans are being paid unemployment compensation at the present time.

This Commission is supposed to make their final report on January 1, 1953. The McCarran-Walter bill does not go into effect until December 24, 1952. How can a commission report on a law that has only been in effect 6 days?

STATEMENT SUBMITTED BY BESSIE BLOOM WESSEL, PROFESSOR OF SOCIAL ANTHROPOLOGY, CONNECTICUT COLLEGE, NEW LONDON, CONN.

NOVEMBER 10, 1952.

PHILIP B. PERLMAN,

*Chairman, President's Commission on Immigration and Naturalization,
Executive Offices, Washington, D. C.*

MY DEAR MR. PERLMAN: In answer to your letter of November 6, I am sending under separate cover and by special delivery some printed matter of a demographic nature which were prepared for the most part while quota legislation was being enacted and first put into practice, but which are currently valid since the quotas now in force are even less indicative of our population now than they were 20 years ago.

These reports were carefully examined at the time, and before publication, both by proponents and opponents of this legislation. They indicate that:

1. The quotas have no foundation in fact; are not valid either on historical or sociological grounds. (See Item 1 and book on Woonsocket.)

2. If we do want a description of the population in terms of ethnic descent (or national origins) it is possible to describe any unit of the population—or the population of the United States as a whole—more accurately by the methodologies proposed in these reports.

3. I do not and for a number of years have not had staff working on these materials. It is for this reason that I offered in my letter of November 5 to come to Washington any time at your suggestion. Some of the issues raised when the materials were first presented and which were not written up are pertinent to our current discussion of quota legislation. Proponents themselves felt these analyses were a challenge to the validity of Government procedure.

4. In answer to your request for a bibliography I am enclosing my own bibliography (marked). I am assuming your Commission has access to the very important reports by Harry Laughlin and census monographs used as a basis for this legislation. If not, I can put my hand on some of this.

Your very truly,

BESSIE BLOOM WESSEL,
*Chairman, Professor of Social Anthropology, Connecticut College,
New London, Conn.*

STATEMENT SUBMITTED BY MRS. RUDY SCHMEICKEL, SECRETARY OF THE DR. SAMUEL PRESKO II CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION, ODESSA, MINNESOTA

ODESSA, MINN., November 26, 1952.

PHILIP B. PERLMAN,
Chairman of the President's Commission,
Washington, D. C.

DEAR SIR: The Dr. Samuel Presko II Chapter of the Daughters of the American Revolution wishes to call your attention to legislation concerning the proposed immigration system.

We wish to protest any changes in the McCarran-Walter immigration bill. We believe the McCarran-Walter bill will strengthen our protective immigration system, a vital need in this cold war. We urge your support in working for the retention of the McCarran-Walter bill and your influence in bringing the bill before the Senate floor as soon as possible.

Thank you.

Yours truly,

Dr. SAMUEL PRESKO II CHAPTER, D. A. R.
Mrs. RUDY SCHMEICKEL, *Secretary.*

SUPPLEMENTARY STATEMENT SUBMITTED BY PALMER DI GIULIO, MEMBER, IMMIGRATION AND NATURALIZATION COMMITTEE, SUPREME LODGE, ORDER SONS OF ITALY IN AMERICA

My name is Palmer Di Giulio and I reside at 150 South Ottawa Street, Joliet, Ill. I am a member of the immigration and naturalization committee of the supreme lodge, Order Sons of Italy in America. In behalf of our immigration and naturalization committee, I present this supplementary statement.

When I appeared before the President's Commission on Immigration and Naturalization at Chicago on October 8, 1952, Monsignor O'Grady, a member of the President's Commission, asked me if I had some suggestion to offer to set up a quota system different from the national-origin quota system provided under the Immigration and Nationality Act of 1952.

In reply to the monsignor's question I replied that possibly a quota system could be based upon the population of the various countries according to some reliable census previously taken for the purpose of allotting quotas. No doubt this reply aroused speculation as to which countries were to come under such a suggested system, particularly in view of the large population of Asiatic countries.

The pertinent query which comes to mind is whether Asiatic countries should be accorded the same quota as other countries or whether immigration from Asia should be treated differently.

Of course, I am fully aware of the consequences which would follow if Asiatic countries were to be accorded a quota on the basis of their population. Asia would get the bulk of the available quota and Europe would be left out in the cold. To fix our quota on the basis of population alone therefore is not only undesirable but unrealistic as well. Such a quota system would unduly favor Asiatics.

Some pertinent questions which arise in adopting a quota system which favors Asiatics would raise questions such as these:

1. What effect would increased immigration from Asia have upon labor conditions here in the United States?
2. What would happen to the American standard of living if large numbers of Asiatics were allowed to come into the United States?
3. What impact would oriental culture have upon the political, social, economic, and security conditions of our country?
4. What considerations, other than Christian principles and ideals, would justify letting down the barriers on immigration from Asia when the social and cultural background of the United States is so much different from that of Asiatics?

These questions should be borne in mind when a new quota system is contemplated, for they are of paramount importance.

Therefore, in view of possible undesirable consequences which would follow from a quota system based upon population, the national origin system seems to be preferable to the other, if the national quota system could be made less discriminatory when applied to the various countries of Europe.

But possibly a solution in adopting a quota system based upon population could be found in restricting quota areas substantially to Europe. Aliens from other parts of the world could be classified as nonimmigrants under section 101

(a) (27) of the Immigration and Nationality Act of 1952, limiting the number of such nonimmigrants at no less than nor more than a given number to be fixed by Presidential proclamation without such range as may seem desirable. This classification would set up a formula which would not only be elastic, but also practical. This formula would not prejudice our national interest. Furthermore it would not offend the sensibilities of the regions affected. In effect, such a policy would favor Europe without unduly discriminating against the rest of the world.

I have had occasion to note that restrictions upon the admission of nonimmigrants from Mexico are now administratively imposed. From information I have been able to gather, the number of nonimmigrants admitted yearly from Mexico is fixed at not more than 2,000.

Although the contiguity of Mexico gives rise to a large number of illegal entry cases, the consequences experienced by limiting admission of native Mexicans as nonimmigrants into the United States is neither offensive to the Mexican Government nor claimed to be discriminatory. Under section 101 (a) (27) (C) of the Immigration and Nationality Act of 1952, an alien born in the Republic of Mexico is considered as a nonimmigrant and admissible into the United States as such.

We are offering these suggestions not for the purpose of having them considered to set up an ideal quota system, but merely for the purpose of finding some practical solution for our immigration problem. We should bear in mind that, as a Nation, our Government has the prerogative to select those aliens who are to enter our borders. Political, social, economic, and security reasons compel us to make such a choice. In a pragmatic world, though Christian principles and ideals have their place in the formulation of our immigration policy, the paramount consideration is our own national interest. In a sense, generosity and ideals should be resorted to only when they promote the best interests and security of our country. Under the rule of international law each sovereign state has the right to determine which aliens are to enter its borders.

As American citizens, we have our roots deeply imbedded into the soil of the United States. We also have the responsibility to protect our heritage so that our posterity may enjoy the fruit of our labor. It is up to us to see that the future of our posterity is assured. It is up to us to safeguard our political, social, economic, and security advantages for the benefit of our descendants. Thus, if the indiscriminate admission of aliens from all over the world is detrimental to our own interest and security, then we certainly cannot be blamed for being selective in choosing those aliens who are to come to live among us. And, if we do take such an attitude, who can criticize us for taking such a stand? No one; not even the most extreme internationalists.

To adopt a quota system for the admission of aliens into the United States which meets with the approval of all of the nations of the world, would neither be possible nor desirable. No matter what quota system we adopt, there always will be some parts of the world that will not like it. No doubt our national origin quota system requires some changes; but a radical departure from such a system is neither desirable nor practical.

We trust the foregoing suggestions serve some useful purpose in the compilation of the Commission's report to our President.

Thank you.

Respectfully submitted.

PALMER DI GIULIO,

Member, Immigration and Naturalization Committee of the Supreme Lodge, Order Sons of Italy in America.

STATEMENT SUBMITTED BY MRS. CHARLES JOCEYLN, EAST SPRINGFIELD, N. Y.

My name is Mrs. Charles Jocelyn, and my address is East Springfield, N. Y. I wish to testify in support of the immigration laws of the United States as a citizen of this country. I am not a technician in this field, but I believe in majority rule and I trust the judgment of Congress which passed the Immigration and Nationality Act over the veto of the President by a majority of more than 2 to 1. I think we should give this law a chance to work and that we should not forget that this law was enacted after a 4-year study of the problem by Congress during which everyone who wanted to testify was heard. If there is anything wrong with this law, notwithstanding the fact that it was supported by all of the experts in the Department of State and the Department of Justice,

a fair period of its operation will bring out its defects. I hope Congress will not be misled by the minority opponents of the law, as it represents the will of the majority of our people.

STATEMENT SUBMITTED BY FLORENCE MURPHY, COOPERSTOWN, N. Y.

My name is Florence Murphy and my address is 45 Beaver Street, Cooperstown, N. Y. I wish to testify in support of the immigration laws of the United States as a citizen of this country. I am not a technician in this field, but I believe in majority rule and I trust the judgment of Congress which passed the Immigration and Nationality Act over the veto of the President by a majority of more than 2 to 1. I think we should give this law a chance to work and that we should not forget that this law was enacted after a 4-year study of the problem by Congress during which everyone who wanted to testify was heard. If there is anything wrong with this law, notwithstanding the fact that it was supported by all of the experts in the Department of State and the Department of Justice, a fair period of its operation will bring out its defects. I hope Congress will not be misled by the minority opponents of the law, as it represents the will of the majority of our people.

STATEMENT SUBMITTED BY FRANCES AND CLEO J. KENNEDY, MINNEAPOLIS, MINN.

DECEMBER 6, 1952.

PHILLIP B. PERLMAN,
*Chairman of the President's Commission
Immigration and Naturalization, Washington, D. C.*

DEAR SIR: We earnestly request the McCarran-Walter bill be retained as passed by Congress.

Very truly yours,

FRANCES KENNEDY.
CLEO J. KENNEDY.

STATEMENT SUBMITTED BY MRS. C. W. SPAULDING, IN BEHALF OF THE OWATONNA CHAPTER, MINNESOTA DAUGHTERS OF THE AMERICAN REVOLUTION

DECEMBER 6, 1952.

MR. PHILIP B. PERLMAN,
Washington, D. C.

DEAR MR. PERLMAN: In behalf of the Owatonna Chapter of the Minnesota Daughters of the American Revolution I wish to make a strong protest against any changes in the McCarran-Walter bill, as passed by Congress and repassed by Congress over President Truman's veto.

We rejected the Lehman-Humphrey bill and question with a great deal of concern the make-up of the Commission on Immigration as appointed by the President.

Use all your efforts to safeguard this McCarran-Walter bill.

Sincerely,

Mrs. C. W. SPAULDING,
Chapter Chairman National Defense.

STATEMENT SUBMITTED BY GRACE BRUSH, BROOKLYN, N. Y.

DECEMBER 5, 1952.

MR. HARRY N. ROSENFELD,
*President's Commission on Immigration,
Washington, D. C.*

DEAR SIR: I wish to testify in support of the immigration laws of the United States. I think we should give the law passed by Congress over the President's veto by a majority of more than 2 to 1—the Immigration and Nationality Act. If there is anything which should be changed in this act, a fair trial will bring out the defects and amendments can be made after it has been proven too strict or too biased.

The McCarran-Walter bill does not go into effect until December 24, 1952. How can the committee make a fair report after 1 week?

Respectfully,

GRACE L. BRUSH.

STATEMENT SUBMITTED BY MRS. ARTHUR C. ERICKSON, EVELETH, MINN.

My husband and I are strongly opposed to the Lehman-Humphrey bill and are in favor of the McCarran-Walter immigration bill.

OLIVE B. ERICKSON
(Mrs. Arthur C.),
Eveleth, Minn.

STATEMENT SUBMITTED BY MRS. W. B. NEWHALL, MINNEAPOLIS, MINN.

DECEMBER 5.

DEAR SIR: As a member of Colonial Chapter, Daughters of American Revolution, I wish to express my support of the McCarran bill and hope for its continuance.

MRS. W. B. NEWHALL,
3120 James Avenue South, Minneapolis, Minn.

STATEMENT SUBMITTED BY RUTH MICHELS, VIRGINIA, MINN.

Mr. PHILIP B. PERLMAN,
Chairman, President's Commission on Immigration and Naturalization.

DEAR SIR: I wish to register my protest against the change in the McCarran-Walter immigration bill and urge the defeat of the Lehman-Humphrey bill.

RUTH MICHELS,
Virginia, Minn.

STATEMENT SUBMITTED BY MILDRED E. VONDERWEYER, PRESIDENT, AND MARTHA A. STEINWITZ, EXECUTIVE SECRETARY, BOARD OF DIRECTORS, INTERNATIONAL INSTITUTE, ST. PAUL, MINN.

DECEMBER 4, 1952.

To the CHAIRMAN OF THE PRESIDENT'S COMMISSION
ON IMMIGRATION AND NATURALIZATION,
Washington, D. C.

Mr. CHAIRMAN: The board of directors of the International Institute of St. Paul wishes to express to the President's Commission on Immigration and Naturalization its dissatisfaction with the McCarran-Walter Immigration and Nationality Act in its present form.

The board of directors wishes to recommend certain changes in the act before the final regulations are adopted and published. Some of these proposed changes are:

1. That some substitute be introduced showing the intention of the immigrant to become a citizen, which would replace the "first paper" after their discontinuance. The alien registration card, in our opinion, could be used for this purpose, stating the immigrant's intention to become a citizen after 5 years, after this fact has been examined on an individual basis.

2. That the antiquated national origins formula be replaced by some new system, which would be more realistic in assessing the emigration needs of other countries, and the possibilities of absorption by the United States.

3. That the unused quotas be distributed to nationals of other countries according to existing needs.

4. That the powers of the immigration officials for the admission and the deportation of aliens to and from the United States be reexamined and limited.

5. The present bill, in our opinion, is an instrument which would weaken rather than strengthen the structure of our civil liberties by denying vital rights to aliens, as well as to new citizens after their naturalization.

We hope that some of these recommendations will be taken into consideration.

Very respectfully yours,

MILDRED E. VONDERWEYER,
President of Board of Directors.
MARTHA A. STEINWITZ,
Executive Secretary.

STATEMENT SUBMITTED BY PAULINE GARDESCU, EXECUTIVE DIRECTOR, INTERNATIONAL INSTITUTE OF BOSTON

DECEMBER 5, 1952.

Subject: Changes deemed imperative in present immigration law.

Pursuant to the President's Executive order establishing a commission to welcome suggestions for revisions of the present immigration law, this committee presents the following suggestions as the basis for future corrective legislation. The onerous implications and practices of the present law, in the light of this country's role as leader of the free world, serve only to becloud our position both in a moral sense and in our practical relations with nations abroad.

We urge the implementation of the following suggested changes into legislation:

1. If the concept of national origin be utilized as the basis of annual immigration quotas, we urge that the 1950 census be used rather than the 1920 population census.

2. We recommend strongly that annual unused quotas be reallocated to other countries with filled quotas, in proportion to the applications made at consulates in countries of exhausted quotas.

3. We recommend elimination of the clause which charges to the Asiatic-Pacific area quotas all persons whose ancestry is as much as one-half indigenous to the Pacific triangle; i. e., a Canadian-born citizen, one-half Chinese, is chargeable to the quota of China.

4. We also recommend elimination of a quota system for colonial areas in the Western Hemisphere. All other Western Hemisphere countries are quota-free. It must be emphasized that discrimination of this kind is most detrimental to our established good neighbor policy.

5. Refugee legislation and other temporary measures be treated separately and not be intermingled with routine immigration practices, nor admissions be deducted from regular quota.

6. Although certain provisions in the law purport to facilitate the reunion of families, this committee believes that a review of the schedule of fees be made. This committee feels that fees for applications for admission, requests for changes of status, etc., are excessive in some instances.

7. This committee strongly feels that legislation is definitely needed to provide for the orderly resettlement of immigrants. The transitory period, beginning with the arrival of the refugee and immigrant and until resettlement, can be a perilous one. This legislation should include measures for allowing agencies to resettle large migrations more effectively, particularly in areas classified as overpopulated. In this connection, attention should be stressed in making careful surveys to determine if the economic structures of certain areas are capable of absorbing population influxes with a minimum of social friction and economic distress. Successful implementation of the above-suggested procedures would prove valuable, not only to immigrants but for the cause of the free world. This policy would demonstrate the practical application of the wisdom of our national policies in promoting peace and harmony in our international relations.

8. We also recommend elimination of the clause in the law, section 212 (e), which allows the President to suspend immigration at any time. Heretofore, such arbitrary power to suspend immigration was permissible only in time of war and national emergency. This gives legislative power to the Executive, in violation of the wise doctrine of separation of powers.

STATEMENTS SUBMITTED BY HENRY HEINEMAN, ATTORNEY, CHICAGO, ILL.
A PLAN FOR REVIEW OF CONSULAR DECISIONS IN VISA MATTERS

(A statement submitted to the President's Commission on Immigration and Naturalization by Henry Heineman in behalf of the Chicago Division of American Civil Liberties Union and the American Jewish Committee)

1. *Introduction*

In the course of colloquy at the hearing in Chicago it was suggested by the chairman that there be submitted a plan for a system of reviewing consular decisions in visa cases. It was suggested that any such plan address itself to the practical administrative difficulties which are inherent in dealing with determinations made in foreign countries by administrative officials operating without

the benefits of formal hearings or records and dealing with individuals not represented by counsel and often unable to speak or read English. This is an attempt to deal with the problems suggested.

2. *The need for review*

No administrative official has a power equal to that given the consul under the McCarran Act without any right of review. It is familiar experience that the right to make determinations not subject to review or appeal creates an attitude of irresponsibility on the part of the deciding official. Under the present system of law, he is placed in a position where he may be subject to serious criticism if he wrongfully admits an alien but never if he wrongfully excludes him. It is obvious that under these circumstances he will decide all doubtful questions against the alien. If he is pressed for time (and what consul is not?) or lazy, he will frequently err even in cases which, by judicial standards, would not be considered doubtful. Where security considerations are involved, he will be particularly prone to resolve all questions against the alien.

It is a frequent observation that inspectors of the Immigration and Naturalization Service frequently decide security questions against the alien even though they have reason to believe that their decision will be reversed by their superiors on review. They have an understandable reluctance to stick their necks out in considering questions fraught with so much public tension. If officials subjected to almost certain review will act in this fashion, it would seem evident that officials unfettered by any review will be the more prone to action adverse to alien applicants.

From the standpoint of certainty and uniformity in the application of extremely complex laws, a system of review is a necessity. The legal questions that are bound to arise under the McCarran Act are legion. Some of them will ultimately be resolved by the Board of Immigration Appeals and the courts, in exclusion or deportation cases. This will take years. In the meantime the consul will be operating without any legal guidance and without any accountability to the persons primarily affected. The present system of advisory opinions will, to be sure, do something to help the consuls but this system cannot build up a consistent and authoritative body of law nor does it afford the individual alien any protection.

A system of review such as here suggested will constitute protection not merely for aliens abroad but also for American citizens who are relatives of or in some way interested in the admission of aliens. The interest of such persons in the outcome of a visa application is often very deep. The questions dealt with by consuls more often than not affect in a direct and vital way the future of American citizens and their ability to satisfy fundamental human wishes and needs.

3. *The nature of the reviewing body*

(a) *Location*.—It seems clear that for practical reasons the reviewing body would have to be located in Washington. Consulates are located all over the world. At the present time there is no significant difference in air mail communications time as between one portion of the globe and another. The reviewing body would not listen to testimony. There is therefore no substantial loss of effectiveness in having the reviewing body located in the United States.

(b) *The organization of the reviewing body*.—There have always been difficulties in the allocation of functions relating to the control of immigration. At the present time the functions are divided between the State Department and the Department of Justice. Many of the matters which any visa review board would pass upon are at the present time the subject matter of consideration, both by the Department of Justice and the Department of State. The only reviewing body having a history of experience is the Board of Immigration Appeals in the Department of Justice. Ideally the same body should deal with the whole field of alien controls, including the issuance of visas, exclusions, deportations, visa petitions, etc.

This could be accomplished by the establishment of a court or board outside of either the Department of State or the Department of Justice. The board would consist of presidential appointees with members holding either life tenure or being appointed for terms in rotation. Such a board could be given the present jurisdiction of the Board of Appeals as well as jurisdiction over visa matters. The establishment of such a body has a parallel in the recent removal of the Board of Tax Appeals from the Treasury Department and the establishment of the Tax Court as an independent judicial body.

The second alternative would be to give the Board of Immigration Appeals the added function of passing on visa review matters. The experience of the

Board would be admirably suited to the exercise of this new function. It is recognized that there is an element of novelty in having a body within one administrative department review decisions by officers in another. Still, there is no compelling reason why this may not be done. If such added jurisdiction were given to the Board of Immigration Appeals, that body should, however, be given statutory status and the right of the Attorney General to review the decisions of the Board of Immigration Appeals should be curtailed.

A third alternative would be to establish a reviewing board within the Department of State similar to the Board of Immigration Appeals. This would furnish a symmetrical system in which the Board of Immigration Appeals in the Department of Justice and the Visa Review Board within the State Department would have approximately equal functions within the two respective departments. This is essentially the plan contemplated by the Humphrey-Lehman bill, S. 2842, introduced in the last session of Congress.

4. The record on review

It is recognized that it would be difficult or even impossible to provide for a hearing in visa cases such as is now provided by boards of special inquiry in exclusion cases and such as are contemplated by special inquiry officers under the McCarran Act. The record would have to be one based upon affidavits and other documents submitted by or in behalf of the alien. There is ample precedent for this type of record in administrative proceedings of all sorts.

To the extent that the consul in his letter of denial limited the scope of the issues involved, the documents transmitted could be reduced. The party requesting review should, however, have the right to compel the consul to submit any documents submitted by the alien.

It is recognized that many cases would come to the reviewing board with a somewhat inadequate record. Most visa denials are without prejudice to subsequent applications, however, and, if the reviewing body sustained the consul's determination under circumstances and upon ground which might be corrected by a fuller record, the alien would not be materially prejudiced. For this reason many records which in a deportation case would be too skimpy would be adequate in a visa review proceeding.

In exceptional cases the Board could be empowered to remand the case for the taking of testimony in consular offices.

5. The consular decision

There is great need for some procedure whereby issues are sharpened and applicants informed of their nature. A visa applicant frequently does not know prior to final action by the consul about the obstacles standing in the path of the issuance of a visa. Nor does he know, after a visa has been refused, the exact grounds upon which the refusal is predicated.

In court proceedings and in administrative proceedings of a more formal character the issues prior to determination are clarified by pleadings and the issues after determination by findings of fact and conclusions of law. It is recognized that this type of formality is unsuitable to visa procedure. Provision can be made, however, for some means whereby the applicant is made aware of the issues involved in granting or refusing the visa. This can be done by the following devices:

(a) At some point in the processing of a visa application, when the consul determines that there may be grounds for denial, he should write a letter or other communication to the applicant which, in effect, is a rule to show cause why the visa should not be denied on grounds specified in the letter. If the proposed denial is predicated on information in the hands of the consul, not submitted by the alien, the information should be disclosed to the alien unless strong security considerations make such disclosure inadvisable. More on this later.

(b) When a visa is refused, the consul should be required to inform the applicant of the reason for the refusal and the specific provisions of the law and regulations of which the refusal is predicated. The imposition and enforcement of the last-mentioned requirement is perhaps the greatest safeguard against arbitrary action. Administrative officers required to give a reason for their decision are less likely to act in an arbitrary fashion than those freed from such accountability.

(c) Letters of refusal should, as a mandatory matter, contain language informing the applicant about the existence of the reviewing authority and the procedure for review. This is the practice now followed in deportation and exclusion cases.

6. *Security considerations*

There are special problems where the doubt about the alien's admissibility arises from security considerations. In the normal case the consul will consider the visa application solely on the basis of documents submitted by or in behalf of the alien. Where security considerations are important, the consul will often consider information other than that submitted by the applicant. Some of this information may be of such a character that its source and exact nature cannot be disclosed to the alien. Even in such cases, however, the applicant can be told which of the many sections dealing with subversives in the McCarran Act is the ground for the exclusion. He can and should be given information in general terms as to the facts which gave grounds for security doubts.

The various Federal loyalty boards have wrestled with this problem for a period of years. It is generally recognized that the type of information disclosed prior to, or in the course of, loyalty hearings is of great value both to the Board and to the respondent, and that the disclosure of such general information has prevented a great many injustices from being committed. If the security doubts arise from association with some organizations, the name of the organizations and the time of membership as a minimum can be disclosed. If the ground is based upon close association with Communists or persons believed to be Communists, this ground can be stated and the time and place given. Many of the absurd blunders related in the October issue of the Bulletin of Atomic Scientists would have been prevented had such a system of disclosure been in effect.

7. *Proceedings before the reviewing body*

The hearing before the reviewing body should not be a hearing *de novo* but should be a consideration of the record transmitted by the consul. Within the discretion of the reviewing body, permission should be granted, however, for applicants to submit by affidavit material not originally presented to the consul. In the great majority of cases the original record before the consul will be made without benefit of attorney. Legal counsel will presumably often for the first time enter the case in connection with the review proceedings. There will often be situations in which the record will be deficient in minor respects. Where this is the case, the reviewing body should have the discretion to permit the record to be completed without having to send the case back to the consul. So long as the Board can make the acceptance or rejection of additional evidence a matter of discretion, the essential character of the Board as a reviewing body will not be jeopardized.

8. *What types of cases should be excluded from review?*

It is obvious that there are a great number of visa refusals in which there is no genuine issue involved. Chief among these is the refusal based upon unavailability of quota numbers. Refusals based on a limited number of such routine grounds should be excepted from review.

9. *Who should have the right to review*

It is recognized that neither as a matter of constitutional law nor as a matter of international practice does an alien have any right to enter the United States. His entry is a matter of privilege. The right to a review of consular determinations might therefore well be reserved for those cases in which some person in the United States has a legitimate interest. It is suggested that any alien should be given the right to seek a review of consular action if the application is filed in his behalf or a statement of concern in the case is indicated by United States citizens in the following categories:

- (a) Blood relatives within fixed degrees of consanguinity.
- (b) Persons who have filed affidavits of support in aid of the alien's application.
- (c) Persons on whose application the visa applicant has been accorded non-quota or preference status.

Conceivably the Board should also be given jurisdiction to consider passport applications or other requests for relief by persons living abroad who claim to be American citizens. Such persons at the present time can obtain a review of this vital issue only by presenting themselves to an immigrant inspector at the border or by a declaratory judgment suit in a district court. The former remedy is not as a practical matter available to anyone not in Canada or Mexico. The latter is an expensive and cumbersome proceeding, the availability of which is not likely to be widely known abroad. Moreover, proof is often more readily available abroad than in the United States, since the issue in most cases involves the performance of acts of expatriation abroad.

16. Court review

Court review, under the provisions of the Administrative Procedure Act, should be provided. There are many complex legal questions which arise in the administration of immigration law. Some means should be provided whereby the courts can resolve these questions. Under the present procedure these questions can be determined only in deportation cases. The result is that many persons may be excluded from the United States on grounds not warranted by our laws. Still the courts are powerless to correct such violations of law.

It is not believed that provisions for judicial review will create an excessive burden on the Federal courts. The actual number of cases would probably be quite small. The following factors would all tend to screen out unmeritorious or frivolous cases:

(a) Presumably most injustices would be corrected by the reviewing body.

(b) Under the plan here proposed, the number of visa applicants having access to review would be substantially limited by the requirement dealt with in section 9 above.

(c) Under the Administrative Procedure Act the courts would not have any authority to review discretionary determinations except on a showing of abuse of discretion. Discretionary action by the consul should properly fall within the scope of administrative review. Such action would not be made renewable by the courts.

STATEMENT SUBMITTED BY ARTHUR H. COMPTON, CHANCELOR OF WASHINGTON UNIVERSITY, ST. LOUIS, MO.

WASHINGTON UNIVERSITY,
OFFICE OF THE CHANCELOR,
St. Louis, December 10, 1952.

THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
The White House,
Washington, D. C.

(Attention Hon. Philip B. Perlman, Chairman.)

GENTLEMEN: There has just come to my attention a statement to your Commission regarding the McCarran-Walter Immigration and Naturalization Act of 1952 presented by the Council of the American Academy of Arts and Sciences and published in the current number of the bulletin of the Academy.¹ This statement summarizes so accurately my own views on this matter that I am enclosing it with certain paragraphs marked which seem to me worthy of especial emphasis.

Speaking in all seriousness, it seems to me that the McCarran-Walter Act is damaging greatly the welfare of the United States, and is endangering our national safety to a critical degree.

My reason for saying this is that the strength of our Nation is vitally dependent upon continued rapid growth of the science and technology, and our safety and welfare are closely related to the respect and confidence with which we are regarded by our neighboring nations. The degree to which the growth of our science is dependent upon interchange of ideas with other nations has apparently not been appreciated by the authors of this act. In a race with the nations behind the iron curtain it is to a large extent this interchange, characteristic of the free world, upon which we must rely for victory. This growth of science under the stimulus of interchange of ideas has been a striking phenomenon during past generations, and is no less true today. With regard to the confidence and respect of our neighbors, nothing can be more damaging than to tell them that we are afraid to have the ideas of their scholars discussed freely in this country or to imply that we have scholars here whose ideas we are unwilling to have brought to the attention of the international public.

These matters are serious because they affect substantially the rate of growth of the culture of the free world; and it is only as this culture grows, with its resulting strengthening of our own Nation, that we can hope to keep ahead of the nations that are controlled by dictators. It is because we see here so clearly a threat to the strength that is inherent in freedom that the Nation's scholars and scientists are so greatly concerned about the damage that is being caused by the McCarran-Walter Act.

Yours very truly,

ARTHUR H. COMPTON.

¹ See p. 1808.

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